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INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 1

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-FIFTH CONGRESS FIRST SESSION

JULY 17, 18, 19, AUGUST 2, AND 9, 1957

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(g) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

Two series of hearings by the Committee on Un-American Activities, on July 17, 18, and 19, 1957, and August 2 and 9, 1957, established clearly that Communist penetration of sensitive communications facilities constitutes a direct danger to American security.

In the course of the hearings, the Committee on Un-American Activities interrogated a number of officials and members of the American Communications Association, a union expelled from the CIO on June 15, 1950, because of its domination by Communists. This union, most of whose officers are identified Communists, still continues to be recognized by the National Labor Relations Board as the duly constituted bargaining agent and representative of communications workers servicing the key lines of a number of vital United States Government branches, including the Department of Defense. The testimony of witnesses in the committee's hearings made it clear that the position of this union and those of its members who are Communists represents a threat to the security of the United States.

Adm. Ellery W. Stone, president of American Cable & Radio Corp., described this danger in these words:

* * * if an operator were subversively inclined he could make copies of such messages in the normal course of his work if unobserved and deliver them to outsiders who could well be expert in decoding and thus bring about a breaking of codes.

* * * * *

There exists, too, actual danger of sabotage on a wide basis, where trained saboteurs are planted throughout any communications company facilities at the outbreak of any hostilities. It would be a simple matter for such employees to cripple communications by damaging delicate and complex equipment, pouring acid on lead-covered cables, for example, which are used in modern methods of message transmission.

Admiral Stone declared further that this threat would be present even if only a handful of Communists were employed in vital communications centers. Regarding ship-to-shore radio installations, Admiral Stone commented in effect that information pertaining to defense transportation facilities of the United States and our allies, insofar as the location of ships is concerned, could be transmitted to subversive elements in a national emergency, thereby creating a danger to the security of the United States.

Admiral Stone presented several legislative recommendations to the committee, which will be thoroughly studied before a final report is made or legislation is presented to the Congress at the conclusion of the hearings pertaining to Communist penetration of communications facilities.

J. L. Wilcox, a vice president of the Western Union Telegraph Co., testified that approximately 4,200 of the employees of Western Union were represented by the American Communications Association. Officers of the union who have been identified as members of the Communist Party are:

Joseph Selly, president

Joseph Kehoe, secretary and treasurer

Dominick Panza, international vice president

Charles Silberman, editor of ACA News

Michael Mignon, a representative of the Communications Workers of America, AFL-CIO, testified that he had formerly been a member of the Communist Party of the United States. This witness' testimony was particularly interesting because of his experiences in both the Communist movement and the communications field. Mr. Mignon pointed out the importance that the Communist Party places upon control of the communications industry in times of emergency:

To the best of my recollection, sir, it was always pointed out to me that the importance of obtaining control of the communications industry in times of stress or in revolutionary times was a primary factor, and therefore the efforts of the Communist Party in subsidizing the union and offering whatever assistance they could in building the union in the communications industry was primarily the main objective.

Mark Anthony Solga, employed as a radio operator by the Radio Corporation of America, testified before the committee that he had also been a member of the Communist Party. When asked whether he believed that the employment of Communists in the communications industry constituted a serious menace to the security of the United States, Mr. Solga stated:

Potentially, I honestly believe that it does. In the event of any further conflict between the East and West, as that tension increases during the so-called cold war, if it should ultimately develop to a stage where it becomes rather hot, then I do honestly believe they are in a potentially dangerous position to inflict harm on our national security.

Samuel Rothbaum, who is employed as an assistant repeater chief by the Western Union Telegraph Co., testified that he had been a member of the Communist Party and that, in his opinion, based upon 22 years of experience in the communications industry, a saboteur could inflict "an awful lot of damage" in time of crisis.

Mrs. Concetta Padovani Greenberg, who has been employed by the Western Union Telegraph Co. since 1927, also appeared as a friendly witness during the course of the hearings. She testified that she had been a member of the Communist Party for a period of years. When questioned by committee counsel regarding the possibility of access to confidential and coded messages by members of the Communist Party, Mrs. Greenberg testified that persons known to her as having been members of the Communist Party do have access to confidential messages transmitted over facilities of certain segments of the communications industry. She stated that she had seen confidential messages relating to the tests made upon the atomic and hydrogen bombs.

Five witnesses appeared before the committee and refused to cooperate during the course of this inquiry. They are:

Frank Grumman, radio operator, employed by RCA Communications;

Louis J. Stallone, operating maintenance man and technician, employed by RCA Communications;

Willis J. Chew, operating radio technician, employed by RCA Communications;

Bernard Silber, service writer, employed by Western Union Telegraph Co.; and

Sarah Freestone, employed by Western Union Telegraph Co.

Frank Grumman and Bernard Silber have been cited for contempt of Congress.

INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 1

WEDNESDAY, JULY 17, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call at 10:10 a. m. in the caucus room, Old House Office Building, Washington, D. C., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Clyde Doyle, of California (presiding), James B. Frazier, Jr., of Tennessee, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director, and W. Jackson Jones and Louis J. Russell, investigators.

Mr. DOYLE. The subcommittee will please come to order.

I have an opening statement, as the subcommittee chairman which I wish to read for the record.

The committee has long been interested in the situation which exists in the communications industry in the United States, namely, the position and influence held by members of the Communist Party and organizations dedicated to furthering the Communist objective. On July 10, 1957, at a regular meeting of the committee, with all members except 2 present and voting, a motion was made by Mr. Scherer and seconded by Mr. Frazier which authorized the holding of these hearings in Washington on this general subject. The resolution adopted by the committee is as follows:

A motion was made by Mr. Scherer, seconded by Mr. Frazier, and unanimously carried, approving and authorizing the holding of hearings in Washington, beginning July 17, 1957, or at such later date as the chairman may determine, for the purpose of considering whether or not members of the Communist Party or persons subject to its discipline are employed in various media of communications used in the transmission of vital communications, and the advisability, in the national defense and for internal security, of the adoption of remedial legislation authorizing the Defense Department and other Government agencies to adopt and enforce appropriate regulations designed to protect and preserve inviolate secret and classified Government information, and investing in appropriate Government agencies, power to preclude access to vital communication facilities in time of war or other national emergency, persons who probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage.

Before proceeding further, I would like to include in the record a copy of the order for appointment of this subcommittee, signed by the

chairman on the 12th day of July 1957. In it, there is appointed a subcommittee consisting of Messrs. Frazier and Scherer with myself as chairman, to conduct these hearings in Washington, D. C., beginning on July 17, 1957. Those of the subcommittee of three who are now present and constitute a quorum of the subcommittee are Mr. Frazier, of Tennessee, and myself, Doyle, of California, Mr. Scherer being necessarily temporarily absent.

Congress by Public Law 601 of the 79th Congress, placed upon this committee the duty of investigating the extent, character, and object of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation. Congress has also placed upon this committee the duty of exercising continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of this committee.

In these hearings beginning now, the first of a series of this general subject, the committee hopes to ascertain the extent of the penetration and control exercised by members of the Communist Party over an industry which is vital to our defense; namely, communications. In the event that testimony given during these hearings reflects a situation correctable by legislation, the committee will recommend the appropriate measures at the proper time. It is the purpose of the subcommittee in the conduct of these hearings, to discharge the duties placed upon us by the Congress by calling witnesses who, we have reason to believe, possess information which will be of value to us and to the Congress in the consideration of such legislation. It is a standing rule of this committee that any person named in the course of committee hearings will be given an early opportunity to appear before this committee if he so desires, for the purpose of denying or explaining any testimony given adversely affecting him. In the event there are such persons, they should immediately communicate with any member of the staff and make their request known.

In every hearing, the committee has encouraged witnesses to have legal counsel with them if they so desire, and has always welcomed the presence of counsel. In fact, the rules of the committee expressly provide that—

at every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

I would remind those present that we are here at the direction of Congress to discharge an important legislative function. You in the hearing room are here by permission of this committee, and I know and am sure you will conduct yourselves as guests of this committee at all times. Any disturbance of any kind or audible comment during the course of the testimony, whether favorable or unfavorable to any witness, will not be tolerated.

Mr. Frazier, have you anything further to add?

Mr. FRAZIER. I have nothing further, Mr. Chairman.

Mr. DOYLE. The order will be made for the inclusion in the record the order for appointment of subcommittee by the full Committee Chairman Walter.

(The information follows:)

ORDER FOR APPOINTMENT OF SUBCOMMITTEE

To the Clerk of the Committee on Un-American Activities of the House of Representatives:

Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, House of Representatives, consisting of Hon. Clyde Doyle, chairman, and Hon. James B. Frazier, Jr., and Hon. Gordon Scherer, associate members, to conduct hearings in Washington, D. C., beginning on July 17, 1957, on all matters within the jurisdiction of the committee, and to take testimony on said day or any succeeding days, and at such times and places as it may deem necessary, until its work is completed.

The clerk of the committee is directed to immediately notify the appointees of their appointment and to file this order as an official committee record, in the order book kept for that purpose.

Given under my hand this 12th day of July 1957.

(Signed) FRANCIS E. WALTER,
*Committee on Un-American Activities,
House of Representatives.*

Mr. DOYLE. Then, Mr. Arens, if you are ready, please proceed.

Mr. ARENS. The first witness to be heard, if you please, Mr. Chairman, will be Adm. Ellery W. Stone, president of American Cable & Radio Corp., who is accompanied by Mr. Wilson McMakin.

If you gentlemen will kindly come forward and remain standing while the chairman administers the oath.

Mr. DOYLE. Mr. Stone, will you please be sworn.

Do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. STONE. I do.

Mr. DOYLE. Thank you. You may have the chair.

Are you to be a witness also?

Mr. McMAKIN. No, sir.

Mr. ARENS. He is accompanying Admiral Stone.

TESTIMONY OF ELLERY W. STONE, ACCOMPANIED BY WILSON McMAKIN

Mr. ARENS. If you please, sir, kindly identify yourself on this record by name, residence, and occupation.

Mr. STONE. My name is Ellery W. Stone. I reside in Nutley, N. J. I am president of American Cable & Radio Corp. and of each of its three American operating subsidiaries.

Mr. ARENS. Would you kindly list those subsidiaries on this record, please.

Mr. STONE. They are the All America Cables & Radio, Inc., Mackay Radio & Telegraph Co., and the Commercial Cable Co.

Mr. ARENS. Now, sir, would you kindly give us a thumbnail sketch of your own personal background with particular emphasis on that part of your background from which you have acquired information on the general subject of communications.

Mr. STONE. Well, I have been, except for my service in World War II, in communications virtually all of my working life.

My affiliations with the cable and radio industry in an official capacity began in 1914 as the United States radio inspector of the Department of Commerce at San Francisco, which is now a part of the Federal Communications Commission. In 1924, I became president of Federal Telegraph Co. I came to the International Telephone & Telegraph System in 1931. Since then I have held the following positions: I have been operating vice president of Mackay Radio & Telegraph Co. before World War II; I was executive vice president and later president of Postal Telegraph Cable Co. until its merger with the Western Union Telegraph Co. in 1943. And presently, as I have stated before, I am president of American Cable & Radio Corp. and of its operating subsidiaries.

Mr. ARENS. Now would you kindly give us a brief explanation of the operations of the companies with which you are affiliated?

Mr. STONE. Our three operating subsidiaries in the United States operate a network of submarine telegraph cables and radio telegraph circuits, to and from most of the principal countries of the world. Some of those countries are behind the Iron Curtain. Our communication with those countries is not by cable but generally by radio. Over these cable and radio circuits flow international telegraph traffic of all kinds. Our services are used by the public and by agencies of the United States Government, such as the State Department and the Armed Forces. Our circuits are also used by American concerns engaged in defense work.

Mr. ARENS. Admiral, on the basis of your background and experience I should like, still preliminarily, to invite your attention to the question as to why the communications industry in your judgment is of importance to the national security.

Mr. STONE. Well, as I have just said, the international cable and radio facilities of our company are used for defense purposes by various agencies of the United States Government. Many messages are sent by these agencies which are monitored by employees to insure rapid and accurate transmission if the messages are sent over a leased circuit, and by "a leased circuit," I mean a cable or radio circuit exclusively used by a single customer, and I am speaking now of one of the defense services that would have the exclusive use of that circuit for anywhere from 8 to 24 hours a day.

In addition to direct Government business, we also handle many messages to and from private companies having important defense contracts. In order to handle them properly, to route them, for example, we must read various messages concerning shipments and orders of raw materials and other vital defense materials.

Furthermore, in our company, Mackay Radio, we operate what are known as the shore-to-ship radio stations. Employees at these stations naturally handle all messages. To insure proper routing of such marine messages, the employees of necessity must and do have knowledge of the location of merchant ships at sea in all oceans.

With modern shortwave radio communications it is possible, for example, from our station on Long Island to work merchant ships to the east of us as far east as the Indian Gulf, as far south as the tip of South America; on the west coast our marine stations work ships in all parts of the Pacific.

From this, I think you can see that individual employees have access to confidential messages and coded messages, which if revealed to enemies or potential enemies of this country could be dangerous to the national security.

Obviously, the employees cannot read the coded messages nor can they decode such messages. However, if an operator were subversively inclined he could make copies of such messages in the normal course of his work if unobserved and deliver them to outsiders who could well be expert in decoding and thus bring about a breaking of codes.

It is also easy to see the dangers to the national security for a subversive employee to know the location of this country's and our allies' ships at a critical time in a national emergency.

There exists, too, actual danger of sabotage on a wide basis, where trained saboteurs are planted throughout any communications company facilities at the outbreak of any hostilities. It would be a simple matter for such employees to cripple communications by damaging delicate and complex equipment, pouring acid on lead-covered cables, for example, which are used in modern methods of message transmission.

In a state of emergency, in order for the Government to function at all—and I think it is pretty generally appreciated that the amount of time we will have at the outbreak of any atomic attack is a matter of hours—the Government in such a state of emergency must have available to it all international cable and radio facilities available, not only the radio circuits of the Armed Forces, but the commercial cable and radio circuits of the various American operating carriers in this field.

In the present state of the world my judgment is that prompt transmission of vital communications without danger of interception or sabotage is essential. It is equally essential that subversive elements be denied the access to and employment on international communication facilities for sending to our enemies abroad intelligence acquired by espionage.

MR. ARENS. Now, Admiral, can you tell the committee the names of the principal labor organizations which are presently representing employees in the communications industry?

MR. STONE. Yes.

In an election which we had in my company, the last election for employee representation, the three major unions were listed on the ballot, and they were the Communications Workers of America, affiliated with the merged AFL-CIO, the Commercial Telegraphers' Union, also similarly depending from the AFL-CIO, and the American Communications Association, an independent union. Respectively, these are termed the CWA, the CTU, and the ACA.

Presently we have a contract with CWA, which, if I may say so, in our judgment is a responsible American labor union, headed by Mr. Joseph Beirne as its president.

In saying that I do not want to imply that the other union, the CTU, affiliated with the same merged AFL-CIO, is not equally a responsible union. But my experience has been more with the union, naturally, with which we have a contract.

MR. ARENS. Can you relate to the committee, first of all, what your experiences have been with the American Communications Association?

Mr. STONE. They have extended over a matter of some years both before the war and since; but dealing specifically with the relations of my company, the American Cable and Radio, I can say that for a period of more than 10 years they represented the employees in Mackay Radio and the Commercial Cable Co. up to the 1st of January in 1948.

Mr. ARENS. May I interpose this question there, if you please, Admiral, if I am not disrupting your theme?

What contracts, to your knowledge, does the American Communications Association presently have?

Mr. STONE. From reading published papers, including the ACA's own newspaper, which they are good enough to send us, I believe they have contracts with RCA Communications, Inc., a subsidiary of the Radio Corporation of America, and with the Western Union Metropolitan Division of the Western Union Domestic Land Lines. They have a separate contract I believe with the Western Union cable division of the Western Union Telegraph Co. And I believe they have a labor contract with the French Cable Co.

Mr. ARENS. To your knowledge have the principal officers of the American Communications Association been identified before congressional committees as members or one-time members of the Communist Party?

Mr. STONE. Well, from reading testimony I believe the answer to that question is in the affirmative.

Mr. ARENS. And was the American Communications Association expelled from the CIO because in 1950 the CIO found that the American Communications Association was Communist controlled?

Mr. STONE. Well, it was expelled from the CIO in 1950 for the stated reason, I believe, that ACA consistently followed the Communist Party line. Incidentally, in that connection, I believe that Mr. Beirne, the president of the CWA, was a member of the committee of the CIO which dealt with the question of the American Communications Association.

I think Mr. Reuther, in a letter sent to the Senate committee, mentioned it in somewhat different language. Well, this is the statement of the CIO executive board relating to three bills then pending before the Senate in 1954 and I believe this was signed—no, I am sorry. I should not have said Mr. Reuther. It is the statement of the CIO executive board.

Mr. DOYLE. May I ask, Admiral, what you are referring to?

Mr. STONE. Yes, sir.

Mr. DOYLE. What document?

Mr. STONE. Yes, sir. I am referring to hearings before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary of the United States Senate.

Mr. DOYLE. And you are referring to what pages therein?

Mr. STONE. I am referring to page 451, sir.

Mr. DOYLE. Thank you.

Mr. STONE. This statement says the CIO has not been content merely to voice anti-Communist phrases. In 1949, the convention of the CIO, voting by an overwhelming majority, adopted procedures which led to the expulsion of 11 Communist-dominated unions from the CIO.

In our reports expelling these unions we express the conviction that the vast majority of the members of those unions were clearly not sympathetic to communism, but that a small clique have gained control of those 11 trade unions.

That is the end of the quotation.

Mr. ARENS. Admiral, at this point, still in a preliminary manner, I should like to ask you whether, notwithstanding the fact that if top leadership of the American Communications Association has been identified as Communists and notwithstanding the fact that the CIO expelled the American Communications Association because it found the American Communications Association was Communist-controlled, is it not a fact that, nevertheless, the American Communications Association is presently certified by the National Labor Relations Board as the bargaining agency for communications workers in these several communications plants which you have described?

Mr. STONE. Well, to answer the question I would rather rephrase it to the particular language which—if you don't mind, Mr. Arens—

Mr. ARENS. Yes, sir.

Mr. STONE. Which the CIO used at the time. I am not certain that it said Communist controlled.

Mr. ARENS. It said it consistently followed the Communist Party line.

Mr. STONE. That is correct.

I would like to make another quotation on the order of the expulsion, which the CIO stated that the policies and activities of ACA from 1939 to the date of the report—

resulted in subservience to the interests of the Communist Party, and through that party to the Soviet Union

This is the CIO statement, and the other one I've said Communist-dominated.

And if you will accept that change in your question rather than Communist controlled.

Mr. ARENS. Yes, we will do that if you please, sir, then with that qualification in the finding by the CIO, is it not true that notwithstanding the fact that the CIO expelled the American Communications Association because it followed the Communist Party line, and notwithstanding the fact that the principal officers of the American Communications Association have been identified as Communists, is it not a fact that the American Communications Association is now certified by the National Labor Relations Board as the bargaining agent to represent a number of communications workers in the several plants in the communications industry?

Mr. STONE. The answer is "Yes."

Mr. DOYLE. May I inquire as to what year the American Communications Association was expelled by the CIO?

Mr. ARENS. 1950.

Mr. STONE. I believe it was 1950, sir.

Mr. ARENS. Now, would you continue, if you please, sir, to recount to the committee the firsthand experiences that you have had with the American Communications Association?

Mr. STONE. On the 1st of January 1948, the ACA called a strike against my companies—I was not then president of it—because we refused to accede to unreasonable demands, among which was the illegal closed shop. On January 4, 1948, we filed a petition with the

National Labor Relations Board for an election because we believed the ACA no longer represented the majority of our employees. This petition was denied by the National Labor Relations Board on the grounds that the ACA was not qualified to have its name placed on a representation ballot because of the failure of its officers to sign the non-Communist affidavits provided under section 9 (h) of the Taft-Hartley law. Upon receipt of this notice of rejection, my companies thereafter refused to bargain with the ACA. The strike lasted for 3 months, during which many employees returned to the job in spite of beatings and violence, which testimony in local police courts of New York City indicated had been provoked and sponsored by officials of the ACA. By the 1st of April 1948, however, all employees returned to work without union representation in Mackay Radio and Commercial Cables.

At that time an independent union was representing the All America employees.

At the termination of the strike, we discharged all employees against whom our records indicated derogatory information in respect to Communist association or affiliation, and continued our refusal to bargain with the ACA. Whereupon, the ACA filed some 96 unfair labor practice charges against the company, alleging, among other things, refusal to bargain and illegal discharge of employees. After lengthy hearings, the National Labor Relations Board ruled that the strike called by the ACA was illegal under the Taft-Hartley law and dismissed all the unfair labor practice charges then pending.

This did not end our difficulties with the ACA, however, as there were a number of employees still active on behalf of restoration of this discredited union, some of whom we later discharged based on derogatory information resulting from investigations into their background and affiliations. Such discharges ultimately were upheld by the National Labor Relations Board following charges of unfair labor practices filed by these employees and supported by the ACA.

In addition, the ACA intervened in a petition for an election to determine the collective bargaining agent for the employees filed by the CWA in April 1952.

I should add that by this time the officers of the ACA had filed affidavits as required by section 9 (h) of the Taft-Hartley Act.

The CTU, then affiliated with the AFL, because this was prior to the merger of the AFL-CIO, also intervened, and the National Labor Relations Board ordered an election with the names of these three unions appearing on the ballot. A formal hearing to determine which of our employees would be included in the bargaining unit took place in 1952.

Mr. ARENS. May I interpose this question here so the record is clear?

Were the three labor organizations that the National Labor Relations Board ordered to be placed on the ballot the American Communications Association, ACA, the CTU, and AFL?

Mr. STONE. The CTU was affiliated with the AFL, and the CWA was affiliated with the CIO.

Mr. ARENS. Now may I ask this question?

If a communications company dominates and controls a labor organization to such an extent that it is a company union, will the Na-

tional Labor Relations Board certify that company union for bargaining purposes?

Mr. STONE. My understanding is, if the Board has evidence that a union is so dominated, it would not certify it.

Mr. ARENS. And it would not certify a company union, because it would conclude that it was not a union that represented the best interests of the employees? Isn't that correct?

Mr. STONE. Well, I assume that is the philosophy behind such a rule.

Mr. ARENS. But notwithstanding the fact that the ACA has been expelled because it followed the Communist Party line, and notwithstanding the fact that the ACA top leadership has been identified as Communist, the National Labor Relations Board, nevertheless, still certifies it as a bargaining agent for the employees; isn't that correct?

Mr. STONE. It certainly is.

Mr. ARENS. Now, would you continue with your presentation?

Mr. DOYLE. May I inquire, Mr. Arens?

Is that certification presently in effect?

Mr. ARENS. Yes, sir.

Mr. STONE. It is for the four communications agencies which I have mentioned, and I would like to repeat them, sir; the Metropolitan Division of the Domestic Land Lines of the Western Union Telegraph Co., separate certification for the Western Union Cables, another division of Western Union Telegraph Co., for RCA Communications, Inc., a subsidiary of RCA, and I believe, but I am not certain, for the French Cable Co. I know that ACA has a labor contract, or I believe it has, with the French Cable Co. I don't know whether it happens to be certified or not.

Mr. DOYLE. May I inquire then? It is not quite clear to me. The admiral names these four groups which are certified as bargaining agents. Your question went to the subject matter of the American Communications Association.

Mr. STONE. That is the one I am talking about, sir.

Mr. ARENS. I am afraid the record may not be correct, sir.

If I am not correct, Admiral, kindly correct me. The certification of the Labor Board is for American Communications Association, which bargains with these 4 plants and represents the employees in these 4 plants.

Mr. DOYLE. I see.

Mr. ARENS. Is that correct, Admiral?

Mr. STONE. That is correct. They no longer are the representatives for the employees in my company.

Mr. DOYLE. I see.

Mr. ARENS. Admiral, at this point perhaps it might be helpful to the committee, as they follow your presentation on this background, if you could tell this committee, are there employees represented by the American Communications Association who presently have access to the tie lines and lease lines originating in the Pentagon?

Mr. STONE. Well, on the assumption, and I think it is a reasonable one, that the operating practices in the other two American cable and radio companies are similar to those in my company; the answer would be "Yes."

Mr. ARENS. Are you familiar, Admiral, with the shop-steward system which is employed in the communications industry by the labor organizations representing the workers?

Mr. STONE. Generally; yes, sir.

Mr. ARENS. And the shop steward is, in effect, the representative of the labor organization within the communications plant where the workers are engaged; isn't that correct?

Mr. STONE. Yes. He is also the representative of the employees in the particular group that he establishes the relationship for.

Mr. ARENS. Generally speaking, the shop steward is responsible to the labor organizations, is he not, in his functions as shop steward?

Mr. STONE. Yes.

Mr. ARENS. Does the shop steward generally have access to various parts of the communications facility plant?

Mr. STONE. Well, in most places as an employee of the company, he is free to move about within the operating rooms and other areas of the company.

Mr. ARENS. Does he, in general, have an allegiance or tie with the leadership of the labor organization?

Mr. STONE. I would assume so, but I think labor representatives of labor organizations could probably give you a better answer than I could on that.

Mr. ARENS. Would you continue with your presentation, if you please, sir?

Mr. STONE. This was in June 1952. During the June hearings, and at all times since, the company has vigorously maintained that the ACA was not, in good faith, complying with the intent of section 9 (h) of the National Labor Relations Act. The position taken by the company was based not only upon the expulsion of ACA by CIO but also upon hearings held by the McCarran Senate subcommittee in May and June 1951 and January 1952. This McCarran subcommittee was set up to investigate the administration of the Internal Security Act and other internal security laws. On the above dates it investigated subversive infiltration in the telegraph industry.

Labor witnesses appearing before the McCarran subcommittee testified that certain of the officers of ACA were either Communists or affiliated with organizations listed as subversive by the Attorney General. These witnesses identified certain international officers of ACA as Communists or former Communists. Several witnesses testified with respect to the potential organizations of the United States Government through the possibility of sabotage and the interception of messages.

These officers of ACA refused to answer the question, "Were you a Communist as of the time you signed the non-Communist affidavit under the Taft-Hartley Act?"

Mr. ARENS. Is it true that these officers are presently in control of the labor organization, ACA, which represents employees in these four plants of communications industry?

Mr. STONE. Well, some of them; I don't know whether all of them are.

Mr. ARENS. The principal officers still are, are they not?

Mr. STONE. The president is.

Mr. DOYLE. Would it not be well, Mr. Arens, to be more explicit in that question and answer? The admiral, I think, by his

language in answer to you, indicates that he does not know which are. If he does not know, he certainly should not undertake to testify of his own knowledge.

Mr. ARENS. Joseph Selly is still president of ACA, is he not?

Mr. STONE. According to the ACA News, the issue of June 1957, Mr. Selly is still president, and he was president at the time that I was referring to.

Mr. DOYLE. Was he identified as a Communist?

Mr. ARENS. Yes, sir.

Mr. DOYLE. What year?

Mr. ARENS. He will be in our hearings here.

Mr. DOYLE. All right.

Mr. STONE. That was in 1952, sir. And I see another officer.

Mr. ARENS. Joseph Kehoe?

Mr. STONE. Yes, sir.

Mr. ARENS. Is he presently secretary-treasurer?

Mr. STONE. According to this publication, yes, sir.

Mr. ARENS. Was he identified as a Communist?

Mr. STONE. I believe he was, sir.

Mr. ARENS. Would you proceed with your presentation?

Mr. DOYLE. Are those the principal officers you referred to?

Mr. ARENS. Yes, sir.

Mr. DOYLE. And to no other officers of the union did you refer when you used the term "principal officers"?

Mr. ARENS. No. There were other officers who were identified.

Mr. DOYLE. I know. But what other officers did you include in your term "principal officers"?

Mr. ARENS. The international vice president, Dominick Panza; is he still in that status, do you know, Admiral?

Mr. STONE. Well, in this paper he is listed as a vice president of the ACA; yes, sir.

Mr. ARENS. And he was identified as a Communist, was he not?

Mr. STONE. I believe he was, sir.

Mr. ARENS. Louis Siebenberg; is he listed there as on the international executive board?

Mr. STONE. He is not listed in this magazine.

Mr. DOYLE. Now, then, may I ask a question for my clarification and for the record?

Have you covered the specific officers that you referred to 3 or 4 times as "principal officers" of this same union?

Mr. ARENS. No, sir. There is still another one, Charles Silberman. Was he identified as a Communist?

Mr. STONE. I don't know, sir.

Mr. ARENS. He will be in our record.

Mr. DOYLE. Those four are the principal officers?

Mr. ARENS. Yes, sir. I will say to the committee that this testimony of the admiral is only preliminary background, and that there will be complete, full identification in the course of the hearings.

Mr. DOYLE. The only reason I interjected that question was because you used the term "principal officers" and I wanted to know what officers you included in that term.

Mr. ARENS. Yes, sir.

Now, would you kindly proceed, Admiral?

Mr. STONE. At the hearings of this Senate subcommittee many questions were asked of these officials concerning whether they were Communists, their Communists affiliations, attendance at Communists meetings and membership in organizations listed by the Attorney General as subversive. According to this testimony as released by the Senate subcommittee, each of them refused to answer these questions on the ground that no person may be compelled to be a witness against himself. So far as I know—and I have already testified to this in response to your question, Mr. Doyle—these are the same officials who are still in control of ACA.

Mr. ARENS. Do you know how many people, preliminarily here again, these men represent in the communications industry?

Mr. STONE. I can't answer specifically. Maybe Mr. McMakin here can tell me more or less.

Mr. ARENS. Approximately how many?

(Messrs. Stone and McMakin conferred.)

Mr. STONE. Well, according to Mr. McMakin, and I have no reason to question it, it is several thousand, perhaps in excess of 5,000.

Mr. ARENS. Mr. McMakin is your associate in the company?

Mr. STONE. He is the vice president of the operating companies for industrial relations.

Mr. DOYLE. What percentage of the total employed personnel in the communications industry would you say that was in connection with your last answer, what percentage?

Mr. STONE. I should say it was about half of the employees, perhaps a little less, engaged in the handling of traffic.

Mr. ARENS. It is all of the employees engaged in these four plants; is it not?

Mr. STONE. This is in New York City, sir. I am only speaking of New York City.

Mr. ARENS. But, Admiral, it is all of the employees in these 4 plants, all of the operating employees in these 4 plants?

Mr. STONE. Yes, sir.

Mr. DOYLE. May I ask one other question then?

If you limit that answer to just New York City, have you any definite information which will tell you approximately how many communications workers there are in the field in which you are testifying in the United States as of today?

Mr. STONE. I could not give you an accurate answer on that. I would say the great majority, however, are in New York City, Mr. Doyle. The reason is that the cables of Western Union, Commercial Cable, All America Cables, and the French Cable are all operated from operating rooms in New York City. The important radio circuits of my company and the RCA also fan out and are controlled by operating rooms in New York City.

Mr. DOYLE. Would your estimate be that it would be not less than 75 percent, 65 percent, 80 percent, 90 percent?

Mr. STONE. Well, I can say that a very substantial portion of the personnel are concentrated in New York City and far in excess of 50 percent.

Mr. DOYLE. Then, if the union in this field was dominated by Communist Party philosophy, the great majority of the messages sent

over these lines in time of war as well as peace would be sent by employees who were members of the union, one union at least, that was or is dominated by the Communist Party.

Mr. STONE. They certainly would be represented by a union—I don't know how many members—by a union such as you described. I don't know how many members in the other companies simply pay dues to the union and are represented by the union but may not be actual members, and the officials of other companies whom I have seen here this morning can probably give you a better answer on that.

Mr. DOYLE. In asking my question, may I make it clear that I did not intend to imply that the great majority of the members of these unions were Communists, merely because their principal officers were.

Mr. STONE. I understand you. That, of course, is exactly my position.

Mr. DOYLE. That is not the fact in American organized labor.

Mr. STONE. It certainly is not. I would say that more than 95 percent of the employees represented by the ACA are not inclined toward communism.

Mr. ARENS. Assuming just for the sake of this question and for the sake of your preliminary presentation here that 5 percent of these employees who have access to vital communications facilities in the North Atlantic cable and tie lines and leased lines out of the Pentagon are directly or indirectly under Communist Party discipline, on the basis of your background and experience is that a serious threat, does that pose a potential serious threat to the security of this Nation?

Mr. STONE. The answer is not only that it would pose such a threat but the percentage could even be smaller and be a threat.

Mr. ARENS. Admiral, in the event of war, active shooting war, between the United States and a major foreign power, how long would it take saboteurs with that access to the communications facilities to which you have alluded to put them out of commission?

Mr. STONE. It would not take very long.

Mr. ARENS. Would it be a matter of hours, minutes, or days?

Mr. STONE. Oh, it could be done in minutes in some cases, hours in others.

Mr. ARENS. Could you tell us just in thumbnail sketch form how persons who would be so inclined could sabotage the principal communications facilities of this country in the event of open hostilities?

Mr. STONE. Well, I don't know that I would want to give you a primer here on how to wreck this country's communications.

Mr. ARENS. I certainly wouldn't want you to do anything in any sense to jeopardize the security of this country.

Mr. STONE. Well, I know. But it doesn't take much imagination to realize how a vial of acid can open up an important cable, how a few hand grenades can wreck antennas at remotely located areas difficult to guard. One time bomb could blow up a radio station just as easily as motion-picture theaters were bombed in New York City by a guy probably not quite as devoted to his cause as Communists are.

Mr. ARENS. Now, could you tell us how, even now assuming we have 5 percent—and this is an assumption on the basis of your general statement—who would be under direct or indirect discipline of the

Communist Party with access to these facilities—how they could procure and transmit to the Communist Party or to a potential enemy vital defense information?

Mr. STONE. First of all, I don't want to speak from the standpoint that I believe the figure is 5 percent. I should imagine it is probably much smaller. But an operator working on a radio circuit, if he were so inclined, could easily insert a message of his own composition, or one given him by a Communist agent, on the circuit and the message would be gone before it would be detected and recorded on the recording means which are used.

Mr. ARENS. May I ask you this, Admiral: Do the operators of these lines that come from the Pentagon monitor the lines as a matter of checking to see whether or not the current is in good shape and whether or not the message is coming over in good shape?

Mr. STONE. They do. But the question I was referring to, the message could be inserted on any circuit; it doesn't have to be on the leased-line circuit coming from the Pentagon, Mr. Arens.

And ship operators at shore—I mean to say an operator at shore stations communicating to ships can easily send out messages before being detected.

Mr. ARENS. So this record may be abundantly clear, right now while you are testifying, are messages coming out of the Pentagon serviced by people who are in the American Communications Association?

Mr. STONE. I would believe so. But I would rather have the officials of companies where the ACA is the bargaining agent to testify to that because they don't represent the employees in my companies.

Mr. ARENS. If the companies in which the American Communications Association presently represents employees decided right now that they would no longer bargain with ACA, that they would throw them and their shop stewards out, would that under present practice be an unfair labor practice?

Mr. STONE. They would certainly be charged with that by the ACA.

Mr. ARENS. Would you kindly proceed with your presentation?

Mr. DOYLE. May I ask one question?

Admiral, you stated that you used the percentage as 5 percent, and then you said it might well be less than that.

Mr. STONE. I said, sir, that I was certain that in excess of 95 percent of the employees represented by the ACA were not communistically inclined.

Mr. DOYLE. Yes.

Mr. STONE. Well, in excess of 95 means a figure of less than 5 percent.

Mr. DOYLE. I refer to your other statement where you used the term "5 percent." How small a percentage of the personnel in this operating field could effectively sabotage our intercontinental messages in time of war?

Mr. STONE. One percent.

Mr. ARENS. How many would it take to intercept messages or to have access right now, this minute, to messages? How many employees?

Mr. STONE. A handful, a handful.

Mr. ARENS. Would you kindly proceed with your presentation.

Mr. STONE. Counsel for the company at the June 1952 hearing of the National Labor Relations Board protested the participation of ACA and offered to submit evidence from the report of the McCarran subcommittee, that is a Senate subcommittee, in which certain officers of ACA were identified as either Communists or former Communists or associated with organizations listed as subversive by the Attorney General of the United States. All such offers by the company were refused and denied by the hearing officer, and his rulings in that respect were thereafter affirmed by the National Labor Relations Board in a decision rendered on December 31, 1952.

The issue of compliance with the non-Communist affidavit required under section 9 (h) was relegated to a mere footnote in this decision. In three short sentences the Board held that ACA was in compliance with section 9 (h).

In November of that year, together with other representatives of the company, I conferred with Mr. Charles Murray, who was then in charge of the Criminal Division of the Department of Justice. This meeting was arranged by the Department as a result of a letter from the company protesting the failure of the Department of Justice to institute criminal proceedings against certain officials of ACA in connection with their non-Communist affidavits. To our disappointment the Department stated that it was difficult for them to get a conviction, under the present wording of 9 (h), unless it could be proved that the individual union officer was a Communist on the very day that he signed the non-Communist affidavit. They explained that if the official resigned from the Communist Party the day before signing the affidavit, a conviction could not be obtained. The only result of this visit was that Mr. Murray indicated that a further investigation would be conducted concerning any Communist affiliations of ACA officers.

On the same day—this was November 21, 1952—representatives of my company attended a conference with Paul L. Styles, a member of the National Labor Relations Board, for the purpose of demonstrating to the Board why it should institute its own proceeding to test the validity of the non-Communist affidavits filed by certain officers of ACA. In answer to our request, Mr. Styles stated that the Board had no power to conduct such an investigation. He stated that, once an affidavit had been filed, the Board must honor that affidavit even in the face of the gravest doubt as to its validity.

On November 25, 1952, a Federal grand jury of the southern district of New York issued a presentment wherein the Board—this is the Labor Board—was requested to revoke all ACA certifications. The grand jury first stressed the importance of the national security by stating that—

The practical importance of section 9 (h) is that it is designed to protect the Nation from domination of unions, particularly those with members in jobs vital to the national defense, by Communists who are dedicated to sabotage in case of national emergency, and to the forceful overthrow of our Government.

The grand jury continued:

We have received evidence to the effect that a number of responsible officials of some unaffiliated unions have long histories of Communist membership and activity, in some instances, on the top-level of the Party. In spite of this, they have filed affidavits with the N. L. R. B. swearing that they are not (1) members of or affiliated with the Communist Party, and (2) believers in or members of any

organization believing in or teaching the overthrow of our Government by violence or other illegal methods.

I would like to add here that no representative or employee of my company so far as I know, and I am certain that I am correct, appeared before the grand jury.

The grand jury then stated that the filing of the non-Communist affidavits by officers of ACA was a "subterfuge" and that the affidavits were "not worth the paper they are written on." The grand jury also brought to the attention of the Labor Board the fact that ACA has members in key positions in the communications field and that the Government is therefore faced with—

a menace to the national security by the continuing recognition of these unions in spite of the obvious noncompliance with section 9 (h) by their responsible officers.

As a result of this grand jury presentment the Labor Board on December 19, 1952, issued a notice and order to the officers of ACA directing such officers to reaffirm all prior non-Communist affidavits executed by them and also to answer specific questions as to whether or not, since the date of the first affidavits they filed, they had been Communists or members of any organizations that believed in or taught the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The Board also advised such officers that refusal to answer by December 30, 1952, would result in a finding that there was doubt as to the truth or validity of their affidavits and would result in a declaration by the Board that ACA was not in compliance.

On December 31, ACA instituted an action against the Labor Board, reported as *ACA v. Herzog, et al.*, in the United States District Court for the District of Columbia to enjoin the Board from requiring ACA officers to reaffirm their affidavits and to answer the questions mentioned above. On that same day, to our amazement, and I must say, to our bewilderment, the Labor Board rendered a decision in our case holding that ACA was in compliance and directed that an election be held.

On January 19, 1953, the company petitioned the Board to reconsider that portion of its decision of December 31 which held ACA to be in compliance, requesting that the Board strike ACA from the ballot in the election ordered by the Board.

This would have left, had we succeeded, the election to be held solely between CTU affiliated with the AFL and the CWA affiliated with the CIO.

On February 2, the Board denied the company's petition. Six days earlier, on January 27, the United States District Court for the District of Columbia had rendered its decision in the case of *ACA v. Herzog, et al.*, holding that the Labor Board had no authority to investigate the truth or validity of non-Communist affidavits filed by ACA.

On February 6, the company filed a motion with the Labor Board for reconsideration of its decision of January 19 and requested that the Board postpone the election until such time as the United States Court of Appeals for the District of Columbia rendered a decision in the Labor Board's appeal of the *ACA v. Herzog* case. This appeal was actually filed on or about February 11. Despite the position taken by the Board in its own appeal, the Board denied our motion for reconsideration on February 13.

Having exhausted all administrative procedure before the Board, the company on February 20 instituted an action in the United States District Court for the Southern District of New York to enjoin the Board from proceeding with any arrangements for an election which included ACA on the ballot. On March 30 a decision was rendered in this case refusing our request for a preliminary injunction and granting a motion by the Labor Board to dismiss the complaint. Judge Edelstein in this decision recognized that the operations of our company, both directly and indirectly, affect the national defense and did not dispute the allegation in our complaint that, should an election take place with the participation of ACA, certain confidential information would have to be revealed to officials of that union to the danger of the national security.

The Labor Board argued, and Judge Edelstein upheld its contention, that under the present law the Labor Board determination on the question of compliance was final and could not be reviewed by the courts until after an election. I was informed by counsel that the Board and Judge Edelstein were in effect telling us that the only way to preclude dealing with ACA was to risk election and certification of that union and then to refuse to bargain with them, at the risk of being held to be in violation of the law.

It seemed to us that the National Labor Relations Board and the Federal courts had placed us in an impossible position. One of the unions on the ballot had been charged with following the Communist Party line by the CIO, witnesses before the McCarran committee and by a Federal grand jury. The validity of the affidavits of its officers was seriously doubted even by the Board. On the one hand, the Board included this union on the ballot; on the other hand, it informally suggested to us that our only legal relief was to risk possible violation of the law by refusing to deal with them should they be certificated.

The position taken by the company at the 1952 representation hearing has already been outlined. I might add that an indication of what may have been the real aim of ACA was exhibited at that hearing when it served a subpoena on the company, demanding that it produce records concerning locations of facilities and names and classifications of employees not only within the United States but also in foreign countries, as well as the Virgin Islands and the militarily sensitive Canal Zone. After extensive argument the hearing officer properly ruled that ACA was not entitled to information requested with regard to foreign countries outside of the Board's jurisdiction, although he did insist that we supply information concerning the company's facilities in the Canal Zone and Virgin Islands. After the company stated that it would give information concerning these localities only under court order, the hearing officer finally reversed his position, but not without first stating for the record that he thought the company should supply this information and that the company was uncooperative. I need not elaborate on the danger to the national security inherent in divulging information concerning our installations and facilities in this strategic area.

Ultimately, however, the National Labor Relations Board did give us a measure of cooperation. Before the election was final the Board also ruled that under national security, the circumstances in these pro-

ceedings justified the company in refusing to reveal the number of employees in various locations and classifications of work in the United States and Hawaii. The outcome of the election was the defeat of the ACA and the selection of CWA as the collective bargaining representative of our employees. Whereupon, we proceeded to negotiate a labor contract with the CWA, effective October 1, 1954, 4 months after the final election determination. It might interest you in this connection to know that the CWA cooperated then and subsequently with us to include in our labor contracts a provision for dealing with any future Communist infiltration into the company.

In spite of the elimination of ACA from a position of influence in the A. C. & R. companies, they still are the legally recognized representatives of the employees in a very large segment of the communications industry.

I already listed the communications divisions and companies which they represent.

And in my judgment as long as they remain in this position of control they represent a menace and a hazard to our national security.

That is based on the evidence that has been brought out at the various hearings before the committees investigating this question.

Mr. ARENS. Admiral Stone, you have some suggestions in your prepared statement for certain proposed amendments. I respectfully suggest that the body of the proposed language that you would like to have the committee, and the Congress, consider, be at this point incorporated in the body of the record.

Mr. DOYLE. That will be the order, and it certainly is appropriate, Mr. Arens, and we are interested in possible remedial legislation.

Mr. STONE. It is our recommendation that section 9 (h) (Taft-Hartley law) be amended to read as follows:

9 (h) (1) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board and with the Regional Office of the Board where the affiant resides an information affidavit executed contemporaneously or within the preceding 12-month period by each officer of such labor organization and each person who is in a position substantially to direct, dominate, or control such labor organization and the officers and persons in a position substantially to direct, dominate, or control any national or international labor organization of which it is an affiliate or constituent unit. The information affidavit shall contain the following questions and information:

[Please write out answer below]

Yes No

- | | | |
|--|-------|-------|
| (a) Are you now, or have you ever been, a member of the Communist Party in the United States or any other country or of any Communist Party subdivisions, subsidiaries, or affiliates?— | _____ | _____ |
| (b) Are you now, or have you ever been, a member of a Fascist, Nazi, or totalitarian organization?— | _____ | _____ |
| (c) Are you now, or have you ever been, a member of any organization, association, movement, group, or combination of persons which— | | |
| 1. Advocates the overthrow of our constitutional form of government by force or violence----- | _____ | _____ |
| 2. Seeks to alter the form of government of the United States by unconstitutional means?----- | _____ | _____ |
| (d) Are you now, or have you ever been, a member of, or associated with, any of the organizations designated by the Attorney General of the United States as totalitarian, Fascist, Communist, or subversive?----- | _____ | _____ |

If your answer to any of the above questions is "Yes," state below the names of all such organizations, associations, movements, groups, or combinations of persons and dates of membership. Give complete details of your activities therein and make any explanation you desire regarding your membership or activities therein.

The provisions of section 35 A of the Criminal Code shall be applicable in respect to such information affidavits.

9 (h) (2): "It shall be the obligation of all labor organizations to furnish to the members of such labor organizations copies of all such information affidavits at the time the information affidavits are placed on file with the Board."

9 (h) (3): "If it is found, after an investigation conducted by the Board, that an officer of a labor organization or a person who is in a position substantially to direct, dominate, or control such labor organization has provided an affirmative answer to one of the questions in the information affidavit indicating membership any time after June 25, 1950, or has submitted any false statement to the Board, the Board shall order such labor organization to remove such person, within 30 days from the date of such order, from such office or position. If the labor organization submits proof, satisfactory to the Board, that it has complied with the Board's order within the required period, it shall be considered to be in compliance with this section. If the Board finds that the labor organization has not complied with its order, the Board shall find that the affidavit is invalid and that such labor organization is not in compliance with this section."

Under our plan, all officers, officials, and leaders of labor organizations each year must fill out, under oath, an information affidavit. There are four basic questions which are asked in this affidavit, as follows:

(1) Are you now or have you ever been a Communist?

(2) Are you now or have you ever been a Nazi, Fascist, or member of a totalitarian organization?

(3) Do you now or have you ever belonged to an organization advocating the overthrow of this Government by force and violence?

(4) Do you now or have you ever belonged to any of the organizations on the Attorney General's list of subversive organizations?

No union shall be considered in compliance with the labor law unless its official representatives, and leaders have appropriately filled out and filed the information affidavit with the National Labor Relations Board. Our suggested amendment recommends that it will be the obligation of labor organizations to furnish to their individual members copies of all the information affidavits which are placed on file with the Board. It is our belief that union members are entitled to know if their leaders and officials are presently and/or have been in the past associated or affiliated with any Communist or subversive organization or movement. Each union should, therefore, be required to disseminate to all its members copies of the information affidavits so that these members may be able to evaluate properly the motives and backgrounds of their leaders.

In my judgment, the administration of this law would develop along the following lines:

1. It should be expected that in most cases the questions will be answered in the negative. Our suggested amendment requires that the Board reach a finding after it has conducted an investigation into the validity of each information affidavit which has been submitted and filed. The Board's decision in the case where all answers are negative would be to consider the affiant as being in compliance with section 9 (h), as modified, unless, after an investigation, the Board finds any of the answers to be false.

2. If a union officer or leader gives answers which are untruthful, then he is subject to prosecution under section 35 A of the Criminal Code. In the event that a false answer is given, then his union shall have 30 days in which to disassociate the representative from his position with the union. If the union does not do so within 30 days, then the Labor Board shall hold that this labor organization is not entitled to rights guaranteed by the labor law.

3. If an officer or leader of a union answers that since June 25, 1950, he has held membership in or has current association and affiliation with the Communist Party or Fascist, Nazi, or totalitarian organizations, then his union shall have 30 days in which to disassociate him from his position. We have fixed an earlier date than that of the information affidavit in our suggested amendment because we believe that the central weakness in section 9 (h) as it is now interpreted is that it merely requires an official to state that he is not a Communist as of the very moment when he signs the affidavit. We believe that by giving the Labor Board authority to base its investigation on an earlier fixed date, there will be

prevented a recurrence of the situation which presently permits labor leaders to allege resignation from the Communist Party immediately prior to the signing of the affidavit in order to be in compliance with section 9 (h). At the same time, this provision would not result in the Government penalizing the labor leader who was a Communist, subversive, or totalitarian prior to June 25, 1950.

4. If a labor leader or official admits to membership in the Communist Party or other listed organizations prior to June 25, 1950, it would be the responsibility of the individual union members within his own union to decide whether or not they desired to be represented by such a person. It is their decision to make, and who else can better judge, whether an individual, formerly a member of the Communist Party, has completely divorced himself from the tenets of communism and genuinely accepted democratic beliefs, than the members of such an individual's union.

This is the fundamental structure of the amendment which we are offering for your consideration. I have tried briefly to outline for you the objectives of our suggested amendment.

Before closing I want to stress the point that the overwhelming majority, probably more than 95 percent, of the employees in the communications industry, even those represented by ACA, are not Communists. But, it is the handful of leftwing labor leaders and those employees who follow the same line, who constitute the danger to our national security. It only takes a few of such subversives, strategically planted at the right spots, to do the damage to our national security.

In conclusion, I believe that Americans do not really want to be represented by Communist or Fascist leaders and this includes those many thousands of union people now represented by the so-called leftwing unions because of the present weaknesses of section 9 (h). It is my conviction that the solution to the problem of Communist domination of unions will depend largely on the extent to which the Congress of the United States adopts legislation which will provide the tools with which American labor can free itself from Communist domination. The proposed legislation which we are offering today will, in our opinion, assist union members themselves if they wish to get rid of presently underground Communist leaders.

I would like to explain, sir, if I might, the reasoning behind this approach for modification of section 9 (h) of the Taft-Hartley law, and that is, first, to allow the employees in a company represented by any union, themselves to take remedial action if they feel such action is desirable, based on more information with respect to their officers', past and present, leanings toward communism, than presently they are able to do.

Under the law now, notwithstanding that officials of the unions have been expelled from the CIO because the CIO felt they were dominated by cliques that were inclined to communism, under the law now, the affidavit merely recites whether the officer is or is not a Communist at the time he files it.

The purpose of the amendment we suggest is to enable the union members, because the affidavit we suggested will be amended to show whether they ever were members, to determine for themselves whether their officers are the type that they wish to have head their union. I think that labor itself should be given the tools to be rid of subversive elements.

Now, the CIO took action, if I might use the expression, from the top, and expelled these eleven unions from affiliation with the CIO.

What I am suggesting is to enable the workers in the industry itself to be assisted by the Government to determine whether or not they wish people so charged by labor witnesses, to be their representatives. That is the purpose of the amendment.

Mr. ARENS. Admiral, do you have any other observations or comments that you would like to make at this time before the committee?

Mr. STONE. Only one, sir, and that was in this period when we were trying to avoid having to be represented by this—

Mr. DOYLE. I think Judge Frazier, you and I, and the committee, have recognized that the admiral and his associates, have rendered a very constructive suggestion for remedial legislation along the lines he stated here, because the primary function of this committee and this hearing is to discover, if we may, basic remedial legislative suggestions that either come from our committee, or any other congressional committee, because we very frequently recommend remedial legislation to other congressional committees, and much basic legislation has been included by other committees in Congress, as a result of the recommendations of the House Committee on Un-American Activities.

And here is the case, Counsel, where we are receiving valuable testimony in the field of possible legislation which would, I think, clearly come out of the committee which deals with the Taft-Hartley law, but this enters into the question of subversive activities.

So, it is very appropriate, I wish to say, Admiral, that you give us the benefit of this study. I took your statement home last night and studied it and read it twice with a great deal of appreciation of the constructive suggestions you and your associates have made.

Mr. STONE. Thank you, sir.

I would like to add just one more comment.

Following my appearing before the Committee on Labor and Public Welfare of the United States Senate in 1953, a memorandum was filed in which testimony was given as to our history with the ACA.

A memorandum was filed by the Labor Board dealing with our controversy with the Board, in which two paragraphs appeared, that, if I may, I would like to read into the record.

Mr. DOYLE. On what page?

Mr. STONE. On page 1040, sir.

This is from a memorandum of the Labor Board:

On February 20, 1953, Deputy Secretary of Defense Roger M. Kyes, by letter to the Board, alluded to the accusation against ACA by the Federal grand jury, and stated that if the accusation were a fact, and that union should prevail in the election, a critical security problem would be presented. He requested a postponement of the election to permit the Department of Defense to consider further its position in the matter.

In reply, the Board informed the Deputy Secretary of its past actions, respecting the case, and of its conclusion that under Judge Letts' decision—

he was the judge in the District of Columbia court—

and, because of the interest of the two other unsuspected unions—

they were CTU, A. F. of L., and CWA, CIO—

it did not believe that further postponement could be granted upon any showing made by any interested person up to that time.

Under date of April 2 the Deputy Secretary of Defense, in a second letter to the Board, and alluding to its earlier letter, stated that in the period that had intervened he had reviewed the security interest of the armed services, and was convinced that everything should be done to prevent a union suspected of Communist domination from becoming the bargaining agent of the company.

That is all I have to submit.

Mr. ARENS. Thank you very much.

Mr. DOYLE. Mr. Arens, do you have any further questions?

Mr. ARENS. No, sir.

Mr. DOYLE. Judge Frazier?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. I have just 1 or 2, if I may.

I think, Admiral, you stated in substance that individual employees have access to messages and coded messages and could make copies of coded messages resulting in their being decoded if given to an expert in decoding messages?

Mr. STONE. Yes, sir.

One of the principles of code breaking, and this is no secret, is that the more material you have in a given code the more the opportunity, the more the probability, of your being able to break it.

Mr. DOYLE. I know. But does that mean that right now in time of the cold war, to say nothing of an actual war, the system of sending out these coded messages is such that a person disloyal to the United States could fairly easily get access to those and send copies of them to decoding experts, enemies of our form of government?

Mr. STONE. Certainly. But not only in civilian companies; if you have subversives in the military services themselves, that is also a risk.

Mr. ARENS. Admiral, that was precisely what precipitated the intervention by the Deputy Secretary of Defense in the National Labor Relations Board proceeding; was it not?

Mr. STONE. Certainly. That and the danger of sabotage.

Mr. DOYLE. One other question now:

You said that in your judgment shop stewards were fairly free to move about?

Mr. STONE. Well, in the discharge of their duties, or the investigation of individual grievances, they do move about.

Mr. DOYLE. That means, then, that the shop steward, as far as the employing company is concerned, is granted more freedom in and about the plant?

Mr. STONE. That is right.

Mr. DOYLE. Than an ordinary employee?

Mr. STONE. That is correct. I don't mean that they can wander indefinite distances, but they have more freedom of action in manufacturing plants, and even in communication companies, than the ordinary employee.

Mr. DOYLE. What is the fact with reference to whether or not the shop steward, therefore, if subversive—whether it is Communist or any other form of totalitarian subversion—would ordinarily be in a more critical position, or easier position, to subvert our national defense than a person not a shop steward?

Mr. STONE. He would have more opportunities than the ordinary employee. But I wish to emphasize that the shop steward—and I assume you realize this—is also an employee.

Mr. DOYLE. I realize that, sir.

Mr. ARENS. He is an employee who has a status within the labor organization and in the case of ACA he is an employee who has an allegiance to the leadership of ACA; isn't that correct?

Mr. STONE. I would rather have a union official describe the particular relationship of the shop steward to the union. I am not qualified to do it.

Mr. DOYLE. I respect your statement.

Then, it seems to me that it is self-evident that a labor union, the contracting agent with any of our cable communications systems, should be mighty careful whom they elect as a shop steward?

Mr. STONE. That is correct. And not only cable, but cable and radio, if I may.

Mr. DOYLE. In other words—and I am not unfamiliar with some of the American trade union practices, I might state, over a term of years—it would seem to me that any trade union bargaining agent in this field wanting to be extra careful to protect the integrity of our national defense and our form of constitutional government, would certainly hesitate to elect as a shop steward any person in the union about whom there is any probable question of subversive activities; isn't that true?

Mr. STONE. Any responsible union would do what you say.

Mr. DOYLE. Now, one further question—and I see the members of the press here with us this morning.

What is the fact as to whether or not messages sent out over your lines of communication are messages upon which the American press relies, directly or indirectly?

Mr. STONE. Oh, yes. We carry a great many press messages, but they are always uncoded, sir.

Mr. DOYLE. Always uncoded?

Mr. STONE. Yes.

Mr. DOYLE. But your testimony was that a subversive person could even send out an uncoded message.

Mr. STONE. That is possible—not many times, but where we would particularly deal with that problem would be at the outbreak of an emergency.

Mr. DOYLE. But at the outbreak of an emergency, then, even the American press could rely unwittingly upon a subversive message?

Mr. STONE. That is correct.

Mr. DOYLE. Without the American public knowing that it was a deceitful person, a disloyal person that subversively put that over the American newspaper wires.

Mr. STONE. At the time of an outbreak of emergency where the chance for checkup is very limited, a great deal of damage could be done to all kinds of messages, including the press.

Mr. ARENS. May I inquire—if you please, Mr. Chairman?

Mr. DOYLE. Yes.

Mr. ARENS. I believe you have not alluded in your presentation today to information which we have obtained from you informally, respecting problems which you have experienced in the proposition of divulging facilities of your company in critical areas, such as in the Canal Zone and in the Virgin Islands.

Would you care to comment on that?

Mr. STONE. I did, sir.

Mr. ARENS. I see. I did not follow you on that.

Mr. STONE. I did.

Mr. DOYLE. But, apropos of Mr. Arens' question just now, as you gave your testimony, Admiral, I noticed—and I marked it—on pages 8 and 9, where you refer to the Court decision, and finally you won out in your refusal to divulge the facilities in foreign countries.

You did not mention that you won out on the point of divulging those in the Canal Zone and the Virgin Islands.

Mr. FRAZIER. Do you still have to do that?

Mr. DOYLE. Do you still have to do that?

Mr. STONE. We were accused of being uncooperative, but we did win out on that, sir. We did not give that information.

Mr. DOYLE. I see that you include the Canal Zone and the Virgin Islands; you won out on that also?

Mr. STONE. Yes, sir.

Mr. DOYLE. Thank you very much.

Are there any other questions?

Mr. ARENS. No, Mr. Chairman.

Mr. DOYLE. Any questions, Judge Frazier?

Mr. FRAZIER. No.

Mr. DOYLE. Thank you very much, Admiral, and your associates. You were very helpful.

Mr. ARENS. If you please, Mr. Chairman, the next witness will be Mr. Leslie Wilcox.

Would you kindly come forward. Kindly remain standing while the chairman administers the oath to you.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILCOX. I do.

Mr. DOYLE. Thank you very much. Please take the witness chair.

TESTIMONY OF J. L. WILCOX

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. WILCOX. My name is J. L. Wilcox. I am vice president of employee relations for the Western Union Telegraph Co. I reside in Glen Rock, N. J.

Mr. ARENS. Would you kindly give us just a word of your own personal background, particularly with reference to your experience in the communications industry?

Mr. WILCOX. I spent my entire life associated with the communications industry. I was formerly a radio telegraph operator, before joining Western Union, about 30 years ago. Up to the present time I have been in charge of the employee relations department of the Western Union, for about 10 years.

Mr. ARENS. Can you tell us just briefly and in general the facilities which are presently operated by your company?

Mr. WILCOX. We operate by landline telegraph systems throughout the United States, commonly known as our domestic system, and in addition we operate an international communications department which operates to Havana, the British Isles, France, and into Canada.

Mr. ARENS. Do your facilities extend to the Pentagon?

Mr. WILCOX. Yes, they do.

Mr. ARENS. Can you tell us just very briefly, sir, the nature of the facilities that extend to the Pentagon?

Mr. WILCOX. In a general way we have leases which are private circuits for governmental agencies from the Pentagon traveling through our facilities, both domestic and international.

Mr. ARENS. Do you service the North Atlantic cable?

Mr. WILCOX. Yes, we do.

Mr. ARENS. And tell us just briefly the messages, from the standpoint of Government operations, which go across the North Atlantic cable or cables—I believe there are several cables.

Mr. WILCOX. Yes, there are several cables—we do have circuits which are leased to the State Department and other governmental agencies. As to what traffic flows on those circuits I have no knowledge but—

Mr. ARENS. You are not in the operating division?

Mr. WILCOX. No.

Mr. ARENS. And we have, as you know, of course, a gentleman from your organization in the operating work, who is an operator, and we will interrogate him on that in a little while.

Now, Mr. Wilcox, does American Communications Association bargain for any of the employees of the Western Union and if so tell us for whom they bargain?

Mr. WILCOX. The American Communications Association does bargain for about one-seventh of the employees in the domestic system. That one-seventh are located in the Metropolitan Division of Western Union which essentially is New York City. In addition, they bargain for our cable employees in the United States, and some in Canada, by the way, but limiting myself for the moment to the employees in the international system, they number about 300.

Mr. ARENS. For how many employees, in toto, of the Western Union, does the American Communications Association bargain?

Mr. WILCOX. Oh, I would say about 4,000—4,200.

(Mr. Scherer entered the hearing room.)

Mr. ARENS. Does the American Communications Association represent employees of any communications companies other than Western Union?

Mr. WILCOX. Yes; they do. They represent employees for the Radio Corporation of America, communications division. They represent employees for the French Cable. They represent employees of the Teleregister, which is a stock-quotations firm, and they also represent employees in one Brooklyn radio station, the call letters of which have slipped my mind for the moment.

Mr. DOYLE. May the record show that Subcommittee Member Scherer has taken his seat as a member of the subcommittee.

Mr. ARENS. Mr. Wilcox, kindly tell the committee, in just résumé form, the history of the American Communications Association: How did it come into existence?

Mr. WILCOX. The American Communications Association was formerly known as the American Radio Telegraphers Association, and it later changed its name to the American Communications Association, and was affiliated with the CIO. This was in the late thirties. They were certified as the bargaining agent for the Metropolitan Division employees in the Western Union Telegraph Co. in the early 1940's.

In 1950 the American Communications Association was expelled from its parent organization, the CIO, for purported communistic affiliation.

Mr. ARENS. To your knowledge, have certain of the officers of the American Communications Association been identified before congressional committees, as members, or one-time members, of the Communist Party?

Mr. WILCOX. Yes; they have.

Mr. ARENS. And have those officers, when they were confronted with this testimony, exercised their privilege under the fifth amendment?

Mr. WILCOX. Yes; they have.

Mr. ARENS. Now, Mr. Wilcox, may I just ask you this simple question:

In view of the fact that the American Communications Association was expelled from the CIO because the CIO found that it consistently followed the Communist Party line, and in view of the fact that the officers whom we have alluded to have been identified as Communists, why does Western Union bargain with the American Communications Association for these many facilities?

Mr. WILCOX. The answer to that, Mr. Arens, is very simple—simply because we feel we are obliged to obey the law.

Mr. ARENS. If you did not bargain with the American Communications Association on the various facilities on which they have been certified, you as a company would be in a position of engaging in an unfair labor practice; is that correct, under the existing law as it is interpreted?

Mr. WILCOX. We certainly would.

Mr. DOYLE. Is that the Taft-Hartley law?

Mr. WILCOX. Well, it is the Taft-Hartley, and by operation of the National Labor Relations Board, which—

Mr. DOYLE. I asked that question to identify for the record to what law the witness was referring.

Mr. ARENS. That is the National Labor Relations Act, is it not?

Mr. WILCOX. Yes, sir.

Mr. ARENS. As amended by the Taft-Hartley Act.

Mr. WILCOX. That is correct.

Mr. ARENS. Now, Mr. Wilcox, on the basis of your background and experience in the communications field, could you tell us just a word about the shop steward system?

Mr. WILCOX. The shop steward system, boiled down to a very simple explanation, is that the shop steward is the frontline representative of the union in the shop. He corresponds to what in company circles might be roughly described as the frontline supervision for the company.

Mr. ARENS. And does ACA have shop stewards in the facilities of Western Union?

Mr. WILCOX. Yes; they do.

Mr. ARENS. Do shop stewards in ACA have access to facilities in Western Union which handle the information or messages going out of the Pentagon?

Mr. WILCOX. Yes; it is possible that certain shop stewards would have access to those circuits.

Mr. ARENS. And do shop stewards of the ACA operating within the facilities of Western Union have access to the messages going over the North Atlantic cables?

Mr. WILCOX. It is quite possible.

Mr. ARENS. Can you tell us on the basis of your background and experience how a person who is disposed to do so could intercept, copy, or procure messages going over the tie-lines and leased lines of this Government, or over the North Atlantic cable—how one could

intercept any message of that character, if he were disposed to do so?

Mr. WILCOX. Well, I presume, Mr. Arens, you would like to have a more detailed statement from Mr. Willis, who is with me, and an expert along that line.

Mr. ARENS. I would prefer to have Mr. Willis, because he is an expert in this particular field.

Is there any other observation or comment or information you would like to give to the committee at this time?

Mr. WILCOX. I would like to say for the record, and I know this committee has no desire to create any impression otherwise, that I feel that the great majority of Western Union employees are loyal American citizens.

In addition to that I would like to point out—

Mr. SCHERER. I do not think that the committee feels any differently from that. I am sure of that.

Mr. WILCOX. I would also like to point out that six-sevenths of our employees are represented by whom I like to characterize as a good, solid, American labor organization, the CTU, affiliated with the AFL-CIO.

We, on the other hand, have had the American Communication Association certified to us as our bargaining agent, not once, not twice, but several times, by the National Labor Relations Board, as being the collective bargaining agent for our people, not only in the cable system, but in the domestic system. We have always tried to comply with the regulations, the rules set down by the National Labor Relations Board, and that is the status of the Western Union at the present time.

Mr. ARENS. ACA always bargains in RCA-Radio Corporation of America?

Mr. WILCOX. Yes; they do.

Mr. ARENS. We have no further questions of this witness, except to express our appreciation of his presence here today.

Mr. DOYLE. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. Mr. Scherer.

Mr. SCHERER. But it would be possible for 1 or 2 employees, if they were so inclined, to intercept the messages as indicated by the questions asked you by Mr. Arens, would it not?

Mr. WILCOX. Yes; it would be possible for employees that are in the shop, if they were so inclined, to pick up messages.

Mr. ARENS. And there is a potential also for sabotage?

Mr. WILCOX. Well, I feel that the danger from sabotage is far greater than from espionage, and Mr. Willis, I think, will cover that more fully. But, important traffic, I think, is adequately protected. That is a matter of opinion, but I think the expert can probably elucidate to a greater length on that than I can.

Mr. SCHERER. You say you feel that the danger from sabotage is far greater than from espionage.

Again I point out that it would only take 1 or 2 or 3 employees out of this vast number of employees, employees in key positions, to commit that sabotage, would it not?

Mr. WILCOX. It only takes one bad apple in the barrel.

Mr. SCHERER. I think we all understand that. I wanted to get it on the record.

Mr. WILCOX. I heard the previous witness give an estimate that it couldn't be more than 5 percent. He said it could be much less than that and still cause damage.

I quite agree with him on that score. In connection with keeping such people out of our organization, I would like to state for the committee that recently before another committee, on the Hill here, we had three employees, working employees, who refused to answer questions in connection with communism. These three people were immediately suspended by the company, and given about a month to come before this committee and state all they knew about communism, whether they had ever been Communists, and if they did not admit that they were Communists, they would be reinstated. However, if they did not come before the committee and testify fully, we told them they would be discharged.

The deadline on that particular directive was June 15. None of the three complied. They now stand as discharged on the books of Western Union.

The ACA, of course, has defended their cases through the grievance machinery, the last step being arbitration, and those cases will be arbitrated about the middle of next month. What the outcome of that will be, I do not know, but I point that out to the committee to indicate that the company is doing all it can to prevent subversive people from being in our organization.

Mr. DOYLE. We want to compliment you very sincerely for taking that position.

In view of the fact that arbitration is not completed yet, I believe I should not ask you 1 or 2 questions that I had intended to ask involving those 3 employees, excepting, on what level of employment were any of these 3?

Mr. WILCOX. They were in the operator classification, which would be where they would have access to the handling of the general flow of traffic.

Mr. DOYLE. Well, the general flow of traffic, then—would they be able because of the level of their employment in the general flow of traffic, in time of emergency, to sabotage the line temporarily?

Mr. WILCOX. It is possible, but from an operator's standpoint, they have less chance of sabotage than what we would call a testing and regulating man, a man that regulates the circuits.

Mr. ARENS. How about a service writer?

Mr. WILCOX. A service writer has access to the general files.

Mr. DOYLE. Then on this cable from the Pentagon and the State Department—not the cable, the leased wire that you mentioned—that goes over your North Atlantic communications line; doesn't it?

Mr. WILCOX. Yes; it does.

Mr. DOYLE. And that goes to our allies in Europe?

Mr. WILCOX. That is correct.

Mr. DOYLE. Several of them?

Mr. WILCOX. Yes.

Mr. DOYLE. Well, do you feel that a subversive person in your organization, an employee, could, if he was determined to, sabotage any message in time of an emergency, to any of our allies?

Mr. WILCOX. I think the matter of sabotage would be more in the form of disrupting than actually garbling the message, because those important circuits, as I believe the next witness will testify, are guarded by what we consider a very tight code, a very tight system of code which, incidentally, was developed by Western Union.

Mr. DOYLE. But they could disrupt communications?

Mr. WILCOX. They certainly could. It would be very easy to do it.

Mr. DOYLE. Then there would be a very easy opportunity, is your answer, to sabotage or to destroy the communications temporarily—

Mr. WILCOX. It certainly would.

Mr. DOYLE. If a subversive person in your employ made his mind up to do it?

Mr. WILCOX. I think you are entirely right in that assumption.

Mr. DOYLE. Let me ask you this question, which I asked the distinguished admiral there: What about the dependence of the American press on Western Union for its news at any time, if there was a person destroying the communications line, sabotaging it? How would that affect the releases to the American press, temporarily?

Mr. WILCOX. Well, it would have the same effect as the other general flow of traffic that we fortunately do handle—a goodly portion for the press—both for our own domestic system and foreign correspondents and, if the circuits were interrupted, they would not be available for the press, as well as the general flow of public traffic.

Mr. DOYLE. I think that is all.

We certainly wish to thank you for coming and informing us. Of necessity, the subcommittee will stand in recess until 1:30. We are all due on the floor of the House of Representatives. We will recess until 1:30 and the witnesses subpoenaed or who are friendly will please be back here at 1:30 with us.

Thank you very much.

(Whereupon, at 11:59 a. m., July 17, 1957, the subcommittee was recessed, to reconvene at 1:30 p. m., the same day.)

AFTERNOON SESSION—WEDNESDAY, JULY 17, 1957

Mr. DOYLE. The subcommittee will please come to order.

Let the record show the presence of all three members of the subcommittee, Mr. Frazier, of Tennessee, Mr. Scherer, of Ohio, and Mr. Doyle, of California.

Are you ready, Mr. Arens?

Mr. ARENS. Yes, Mr. Chairman. If you please, sir, Mr. Clarence Thomas Willis, kindly stand while the chairman administers the oath to you.

Mr. DOYLE. Mr. Willis, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. WILLIS. I do.

Mr. DOYLE. Take the chair, please.

TESTIMONY OF CLARENCE THOMAS WILLIS

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. WILLIS. My name is Clarence Willis. I am a resident of East Orange, N. J. I am with the Western Union Telegraph Co., International Division.

Mr. ARENS. Would it be convenient for you to keep your voice up? The accents in here are not too good.

Would you kindly give us please, Mr. Willis, a brief thumbnail sketch of your own personal background and experience in the communications field?

Mr. WILLIS. I have spent 42 years with the Western Union International Division as an operator, technician, supervisor, and at present as assistant general operations manager.

Mr. ARENS. What are your general responsibilities in your present post?

Mr. WILLIS. Maintenance and operation of international circuits.

Mr. ARENS. By "international circuits" you mean the international Atlantic cables; is that correct?

Mr. WILLIS. That is correct, sir.

Mr. ARENS. Give us, if you please, Mr. Willis, just a word about the Atlantic cables. How do they operate and how many are there?

Mr. WILLIS. Western Union has nine transatlantic cables. We operate them on a multichannel system. That is, each cable has more than one outlet. They vary, 4, 5, 6, or 8 channels per cable.

Mr. ARENS. How many channels in the aggregate?

Mr. WILLIS. We have 51 across the North Atlantic.

Mr. ARENS. What governmental agencies have contracts with Western Union covering these international circuits?

Mr. WILLIS. We have the State Department, the Army, the Navy, the Air Force, the National Security Agency.

Mr. ARENS. Mr. Willis, on the basis of your background and experience, are you in a position to express to the committee the possibility or potential of sabotage by persons who would be what we would call insiders, employed in the operation of these facilities, if such persons were so disposed toward sabotage?

Mr. WILLIS. For such persons, it is quite possible to commit sabotage.

Mr. ARENS. What would be the nature of the sabotage? I don't want you on a public record to give as much detail here as you have privately.

What would be the nature of the sabotage?

Mr. WILLIS. Well, there is outside and inside sabotage. Consider the inside sabotage:

A bottle of acid in behind a frame, for instance, where wires come in, would do damage, or there is a possibility of dropping equipment on the floor, or slamming it into other equipment. There are several ways that sabotage could be committed by one so disposed.

Mr. ARENS. Could you tell us what are the possibilities and potentialities for interception of messages by a person who might be disloyal to the United States, or who would be engaged, at the present time, for example, in working on these cable facilities?

Mr. WILLIS. That is quite probable and it is possible; that is, it is possible for operators on the floor, if they were so disposed, to take copies of messages, hard copies—what we mean by "hard copies" are those actually handed into the counter or received over tie lines on typewritten copy.

Mr. ARENS. Now, Mr. Willis, on the basis of your background and experience will you express yourself on this situation—and I will pose it as a hypothetical case, so we can have the benefit of your advice to the committee:

Assuming for the sake of argument that there was increased activity over the tie lines and leased lines from the Pentagon to any particular point in the world, in other words, if the volume of messages tomorrow morning to, say—I am just picking this at random—Cairo, Egypt, were tripled, could that fact be ascertained by a disloyal employee manning the tie lines or leased lines?

Mr. WILLIS. It would be possible; yes; because a noted increase going to one point, to anybody who was looking for such information, would make him aware of something going on.

Mr. ARENS. What are the duties of a service writer?

Mr. WILLIS. In telegraph communications it is often necessary to send what we call an unpaid message to clarify something that the receiving station received in a message, and the receiving station might want to ask confirmation of a certain word in a message, for instance, and they would launch what we would call a service message.

Mr. ARENS. What type of message would a service writer have access to?

Mr. WILLIS. Well now—

Mr. ARENS. I didn't phrase my question very clearly, I am afraid. What would be the nature of a message to which a service writer could have access, irrespective of loyalty or disloyalty, sir?

Mr. WILLIS. In the normal duties he has access to any messages referred to in our service correspondence.

Mr. ARENS. Could a service writer secure copies of messages?

Mr. WILLIS. He could; yes.

Mr. ARENS. How would he do that in the normal course of operations?

Mr. WILLIS. You see, under normal conditions, if the service message came in, it would be handed to a searcher who would go to the files and pick out the particular message in question. That would be handed to the service writer, and the service writer would then find out exactly what the receiving station required, and would make his reply accordingly.

Mr. ARENS. There are such persons as service writers employed on these cable lines, are there not?

Mr. WILLIS. There are, sir.

Mr. ARENS. What would be the potential for a service writer, if he were so disposed to commit sabotage?

Mr. WILLIS. A service writer is not normally on the operating room floors. He is in a special department. Therefore, it would be hard for a service writer to come down to an operating room floor and commit sabotage.

Mr. ARENS. Mr. Chairman, I respectfully suggest that we conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. Would the service writer be able to commit espionage by garbling the message to suit certain persons?

Mr. WILLIS. No, sir; the service writer does not touch a message until after transmission, and it is received at a station. It is only on a query that comes back, and when you say "garble it"——

Mr. SCHERER. Change it?

Mr. WILLIS. Well, it is possible, but very improbable, because we have such a check on the number of words in a message that he couldn't add or take away or otherwise he would ruin the first copy and they would ask us for another complete copy.

Mr. DOYLE. Any further questions?

Mr. SCHERER. No.

Mr. DOYLE. May I inquire?

How about any code messages? I didn't hear you mention anything about sending telegrams or cables in code. Do you do that? The Western Union?

Mr. WILLIS. We do, sir.

Mr. DOYLE. Do you send code messages at the instance of the State Department?

Mr. WILLIS. We do, sir.

Mr. DOYLE. To foreign countries?

Mr. WILLIS. We do, sir.

Mr. DOYLE. At the instance of the Army?

Mr. WILLIS. The other branches of the service use their own leased circuits. We have leased circuits to the other branches of the service and they use their own circuits for their encrypted messages.

Mr. DOYLE. Then does that mean that no employees of the Western Union operate or help operate the leased wires by the Army and Navy and Air Force?

Mr. WILLIS. As far as the leased circuits are concerned, the only men that would handle those circuits would be our technicians, and they would be in there just to regulate the circuit to make sure the circuit was working O. K.

Mr. DOYLE. If any such technician happened to desire to perpetrate sabotage or espionage, he could do it, couldn't he?

Mr. WILLIS. He definitely could, sir.

Mr. DOYLE. Fairly easily?

Mr. WILLIS. Fairly easily, yes, sir.

Mr. DOYLE. In other words, that is a sensitive position?

Mr. WILLIS. Very sensitive.

Mr. DOYLE. How about the National Security Agency; do they use your cable?

Mr. WILLIS. They use leases, through our cables.

Mr. DOYLE. Would your answer just previous apply to them also?

Mr. WILLIS. That would apply to all the Government agencies' leases, sir.

May I point out, sir, that as far as code is concerned, there are 2 or 3 different types of code. There is one especially which is cryptograph, and that is altogether different than code in that there is no standard pattern followed in the coding of the message. We have two different types of code.

Mr. DOYLE. Is the effect of that testimony that there is not the opportunity to transmit a decoding of that?

Mr. WILLIS. In my opinion, sir, as far as cryptograph is concerned, unless you were a specialist at it, and knew something of the key used, which is frequently changed, there is nothing you can read.

Mr. DOYLE. What percentage of the code messages would you say are in that cryptograph?

Mr. WILLIS. On the leases, I would say that 90 percent were.

Mr. DOYLE. Those that come from the Government agencies?

Mr. WILLIS. Coming from the Government agencies.

Mr. ARENS. Do employees of your company who are members of the American Communications Association have access to these coded messages?

Mr. WILLIS. Are you now talking about those on the leases, sir, or—

Mr. ARENS. Yes, sir.

Mr. WILLIS. Our technicians are the only ones; yes, sir.

Mr. ARENS. And you said a moment ago that it would be difficult to translate certain cryptograph messages, but if a person had access to those he could, of course, could he not, take those messages to someone who could translate them, or who was an expert in that field?

Mr. WILLIS. He could take them, yes, but, as far as decoding, I am not in a position to say.

Mr. DOYLE. Your associate this morning, I think, testified that Western Union had about 4,200 employees who were, he believed, members of the ACA. How many of that number, if any, are what you classify as technicians and would have access to these code messages?

Mr. WILLIS. Of the 4,200 you speak of, sir, we have approximately 300 at the cable office in New York, cable employees, and, of that 300, we have a total technical staff of 28 men.

Mr. DOYLE. Then does that indicate that the fair possibility of interfering with this particular type of code, cryptograph, is limited to approximately 28 employees?

Mr. WILLIS. It would be less than that, sir, because, of that 28, only maybe 8 of them would be assigned to take care of the leases. That is a special assignment.

Mr. DOYLE. And, in the experience of your company, have any of the employees such as you have enumerated, the 28 or less, been yet identified as Communists?

Mr. WILLIS. To my knowledge, no, sir.

Mr. DOYLE. But they are all members of ACA?

Mr. WILLIS. They are members of ACA; yes, sir.

Mr. DOYLE. And I think our record shows that ACA was expelled from the CIO-AFL group in 1950 because that union at that time was claimed to be dominated by the Communist group.

Mr. WILLIS. That is what I understand, sir; yes, sir.

Mr. DOYLE. And these 28, more or less, had officers, so far as their union was concerned, who were several fairly well identified members, active members, of the Communist Party at the time they were in your employ?

Mr. WILLIS. From the evidence I have heard today, I have to say "Yes" to that question.

Mr. DOYLE. I think that is all, Mr. Arens.

Mr. ARENS. No other questions.

Mr. DOYLE. Judge Frazier?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. DOYLE. I want to thank you very much for your time and help in coming to help us understand the problem.

Mr. ARENS. Mr. Michael Mignon, would you kindly come forward? Remain standing while the chairman administers the oath.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MIGNON. I do.

Mr. DOYLE. Thank you.

TESTIMONY OF MICHAEL MIGNON, ACCOMPANIED BY COUNSEL, LONDON DOWDEY

Mr. ARENS. Will you kindly identify yourself by name, residence, and occupation?

Mr. MIGNON. My name is Michael Mignon. I live at 915 Avenue S, Brooklyn, N. Y.

Mr. DOYLE. May we have the spelling of that name?

Mr. MIGNON. M-i-g-n-o-n.

Mr. DOYLE. Thank you.

Mr. MIGNON. My occupation is a union representative, working for the Communications Workers of America, AFL-CIO.

Mr. ARENS. Mr. Mignon, you are appearing today before the committee with counsel?

Mr. MIGNON. Yes, sir.

Mr. ARENS. Counsel, will you kindly identify yourself on this record?

Mr. DOWDEY. My name is Landon Dowdey. I am a lawyer with offices in the Second National Bank Building here in Washington, D. C.

Mr. ARENS. Mr. Mignon, kindly tell us, if you please, sir, briefly about your own personal background, with particular reference to your employment in the communications industry.

Mr. MIGNON. Briefly, I started working in the communications industry when I was approximately 15 years old, as a messenger in Western Union.

Thence I worked as a clerk, and a junior Morse operator for Postal Telegraph, until approximately 1923, when I joined the United States Navy, and I was a radio operator in the United States Navy until 1929, when I was honorably discharged as a first-class radioman.

In 1929 I went to work for RCA Radio Communications, Inc.; when we organized a union on or about 1937, known as the American Radio Telegraphers Association, and I obtained a leave of absence from that company for a period of 6 months, and I worked on a full-time basis for American Radio Telegraphers Association, which later became known as the American Communications Association.

I was elected a vice president of that union in 1938, vice president in charge of radio and cable department.

I returned to work in the industry in 1940 with Mackay Radio & Telegraph Co., as a radio operator. I worked with that company until 1952, having held the jobs of radio operator, technician, and traffic supervisor or traffic chief. In 1952 I went to work for the Communications Workers of America, and I have been employed by that union since.

Mr. ARENS. In what capacity, please, sir?

Mr. MIGNON. My first capacity was that of organizer, and I was assigned to the organizational drive that we had going in the A. C. & R. in competition with the CTU and the ACA, as it was explained in detail by Admiral Stone this morning, after the union, that is the CWA, won the elections and was certified as the bargaining agent for the employees of A. C. & R., and was reclassified by the union as a representative, and my main duties have been the negotiation and the administration of the labor agreements in the nonvoice communications field of our union. That is both with the A. C. & R. and the Globe Wireless, Ltd., which is another company in the international communications field.

Mr. ARENS. Mr. Mignon, have you ever been a member of the Communist Party?

Mr. MIGNON. Yes, sir; I was.

Mr. ARENS. Would you kindly give us the date, first of all, of your membership in the Communist Party, when you joined, where you joined, and the circumstances of your joining?

Mr. MIGNON. Well, going purely on the basis of recollection, it is my belief that I joined the party on or about the latter part of 1936.

I joined the party in New York City. I left the party on or about 1940.

Mr. ARENS. Could you give us a brief thumbnail sketch of your career in the Communist Party, highlighting any significant facts?

Mr. MIGNON. I joined the Communist Party while I was actively engaged as a trade unionist with the American Communications Association, on the premise—at least so I was told and so I was taught—that only a Communist could be a real trade unionist.

I was introduced to the party by some then officers of the American Radio Telegraphers Association, namely, a vice president by the name of Roy Pyle, and, as a member of the Communist Party, and as an officer of the union, I participated in meetings with representatives of the Communist Party, the labor department of the Communist Party, namely, Roy Hudson, in determining policies for the union in regards to negotiations and in regards to the activities that the union should be engaged in, both on the trade-union front and the political front also.

Mr. ARENS. During the course of your membership in the Communist Party, did you have occasion to learn of any particular importance which the Communist Party attached to the enterprise of infiltrating the communications industry in the United States?

Mr. MIGNON. To the best of my recollection, sir, it was always pointed out to me that the importance of obtaining control of the communications industry in times of stress or in revolutionary times was a primary factor, and therefore the efforts of the Communist Party in subsidizing the union and offering whatever assistance they could in building the union in the communications industry was primarily the main objective.

Mr. ARENS. Would you care to elaborate——

Mr. DOYLE. Pardon me, Mr. Arens.

I do not think I quite understood your statement just before this last one.

Do I understand that you, as a Communist, met with a Mr. Hutchison——

Mr. ARENS. Roy Hudson.

Mr. DOYLE. Roy Hudson—to determine policy for the union?

Mr. MIGNON. Yes, sir, Roy Hudson was——

Mr. DOYLE. What did the Communist Party have to do with determining policy for the union? That was not the union doing it, was it?

Mr. MIGNON. Well, you see when a union is controlled by the Communist Party or under Communist Party discipline, the directives for that particular union in dealing with management or in attempting to establish policies within that union through the media of membership meetings, are determined by the leadership of the Communist Party: it is transferred to the officers of the union, who are duty bound to attempt to establish that policy as if it were the policy of the union.

Mr. DOYLE. In connection with that control of policy and determination of policy by the Communist Party members of the union, the fact that it is thus secretly determined, and passed on down to the officers of the union is not known to the union membership, is it?

Mr. MIGNON. No, sir.

Mr. DOYLE. In other words, it is a secret conspiracy to control the American trade union in that area of communications?

Mr. MIGNON. Yes, sir.

Mr. SCHERER. The eventual objective being that if we should ever be at war with the Soviet Union, to be able to more effectively control the communications system of the country. Isn't that the end objective?

Mr. MIGNON. The end objective, sir, as I learned it, was when and if the revolution came to change this form of government, our form of government, that the Communists would be in a position to immediately control the communications facilities of the Nation.

Mr. SCHERER. To the advantage of the revolution?

Mr. MIGNON. For the advantage of the revolution or the success thereof.

Mr. SCHERER. Or if, in the event as I have said, in the case Russia should participate in that revolution, or we should be at war with the Soviet Union, then to control the communications to the advantage of the Soviet Union?

Mr. MIGNON. Yes, sir.

Mr. DOYLE. And you were given that, as I understand it, as a basic premise and reason why you should become a Communist if you wanted to be a good trade unionist? You were given that in 1936 when you joined the party?

Mr. MIGNON. No, sir. What I have just stated came after I had——

Mr. DOYLE. How long after?

Mr. MIGNON. Oh, I suppose that after I had joined the Communist Party, the process of education was a gradual one, and to state precisely when these objectives were taught to me is difficult at this time to say, sir.

Mr. DOYLE. Well, approximately how long after you joined? You left the party in 1940 or thereabouts. What I am trying to get at is——

Mr. MIGNON. When did I begin to learn of these main objectives?

Mr. DOYLE. Yes.

Mr. MIGNON. I believe that the objectives began to become very clear to me almost immediately after I had joined the Communist Party, but by that time I had already joined it.

Mr. DOYLE. Did I hear you a minute ago say that you were thus advised by the Communist Party leaders, and that the union which you joined in connection with a coming revolution—was that term used, as near as you can recall?

Mr. MIGNON. As far as I can recall, sir, the Communist Party was always pointed out to me as being a revolutionary party.

Mr. SCHERER. That conduct, Mr. Chairman, at that time could not have been the subject of prosecution under the recent Supreme Court decision because it would not have related to an immediate action upon the part of these Communists to do something toward the overthrow of the Government by force or violence.

Mr. DOYLE. But here was actual action, Mr. Scherer.

Mr. SCHERER. Not sufficient to comply with the Supreme Court decision, though.

Mr. DOYLE. No, but here was actual action on the part of secret Communist leaders of this union to build up other corevolutionaries.

Mr. SCHERER. But the Supreme Court says that is not enough. It shows how silly the decision is.

Mr. DOYLE. So let us get the facts here, whatever we can get. Maybe we can tell the Court about it.

Mr. ARENS. I am a little bit lost at the moment, as to what the theme of your presentation was there, Mr. Mignon, when we posed this series of very important questions.

You were telling, I believe, the highlights of your career in the Communist Party.

Mr. MIGNON. I believe I have completed that.

Mr. ARENS. You have completed that. What precipitated your dissociation from the Communist Party?

Mr. MIGNON. Essentially, sir, I believe that I came to the conclusion that the Communist Party was a fraud, it was completely insincere, it was unintelligent, and it was fanatic.

Mr. ARENS. It was what?

Mr. MIGNON. Fanatic.

Mr. ARENS. During your experience in the Communist Party did you have occasion to serve in closed Communist Party meetings with other persons?

Mr. MIGNON. Yes, sir.

Mr. ARENS. Who were Communists?

Mr. MIGNON. Yes, sir.

Mr. SCHERER. Excuse me a minute. Let us examine the facts in light of the recent Supreme Court decisions.

During these discussions you were talking about what you would do at a future time should the occasion arise, should the revolution ever take place? I mean, you were discussing what the—

Mr. MIGNON. I was discussing what the objectives were which were taught to me, as being the main objectives of the party.

Mr. SCHERER. That is right. There was never any definite discussion as to how you might accomplish it when the time came? Such actions would not be in violation of the Smith Act, according to the recent decisions, because they did not plan any definite action in the

immediate future. They were just talking about what the objectives were in the abstract.

Mr. DOYLE. But it was discussed with you, was it not? And were you not instructed by these Communist Party leaders of the union, that when the revolution did come, the communications system would be a very immediate and important part of the activity, in other words, the Communist Party control of the communications system. And would be at the initiatory stage of whatever revolution would come.

Now, may I ask this:

Was it ever discussed with you in any way by these secret Communist Party leaders in control of that union at that time, as to how the communications system was to be taken control of? In other words, how you were to get in control of it, how you were to get into command of it to use it for the revolution?

Mr. MIGNON. Well, not essentially in detail as to how you take this from here and put it there. The objective was that if a union organized the employees of the communications industry, and if the leaders and all straight along the line, the people, were Communists, or Communist controlled, that they could and should develop such confidence amongst the employees of the industry to be able to follow the orders of the leaders of the union at any particular time.

Mr. DOYLE. In other words—

Mr. SCHERER. May I interrupt just a minute?

Mr. DOYLE. Yes; go ahead.

Mr. SCHERER. What the witness just related, according to my understanding of the recent decision of the Supreme Court would not constitute a violation of the Smith Act.

Is that your understanding, Mr. Counsel?

Mr. ARENS. Yes, sir.

Mr. DOYLE. May I further inquire?

In other words, Mr. Witness, the program of the Communist Party at that time, between 1936 and 1940—and you joined in 1936 and left in about 1940, was to get as many employees in the field of communications in New York, both domestic and intercontinental, to get as many employees in that field as possible to be members of the Communist Party?

Mr. MIGNON. Yes, sir.

Mr. DOYLE. And, therefore, when the Communist Party nationally sent the word, or internationally spoke the word, of the revolution, the communications people would be in control?

Mr. MIGNON. Correct.

Mr. DOYLE. The Communist Party would have control of that very vital field throughout our country?

Mr. MIGNON. Yes, sir.

Mr. DOYLE. Not only domestically but on the intercontinental communication level, also?

Mr. MIGNON. Yes, sir.

Mr. DOYLE. Have you ever known of any change in that declared policy of the Communist Party? Have they ever changed that policy?

Mr. MIGNON. I cannot say, sir, because since I left the Communist Party in 1940 I have had no dealings with it, nor any contact with it.

Mr. DOYLE. Now, one more question:

Was that policy which you have just stated generally known, as far as you know as a member of that Communist Party cell, to be the policy of the Communist Party?

Mr. MIGNON. Yes, sir.

Mr. DOYLE. At that time. In other words, it was well known?

Mr. MIGNON. Yes, sir; it was known.

Mr. DOYLE. By all the members of that cell who were in the field of communications?

Mr. MIGNON. Yes, sir; those were the objectives.

Mr. DOYLE. And how many members would you say were in that particular cell of which you were a member—approximately how many?

Mr. MIGNON. It is difficult to state at this date precisely, or even approximately, the number that were members of the party. I have attended meetings where I have seen as many as 50 or 60 people participating, many of whom I had not seen before, the names of the majority of whom I did not know then nor do I know today.

Mr. DOYLE. Those were closed Communist Party meetings?

Mr. MIGNON. They were for Communist Party members.

Mr. DOYLE. Thank you very much.

Mr. MIGNON. Yes, sir.

Mr. ARENS. Now, during the course of your career in the Communist Party, did you know as a Communist a person by the name of Willard Bliss?

Mr. MIGNON. Yes, sir; I did.

Mr. ARENS. Kindly tell us, if you please, sir, how you knew him and where was he employed?

Mr. MIGNON. Mr. Willard Bliss was the secretary-treasurer of the American Radio Telegraphers Association on full-time employment by the union, and I knew him to be a Communist.

Mr. ARENS. Did you know as a Communist a person by the name of Geraldine Shandros?

Mr. MIGNON. Yes, sir; I did.

Mr. ARENS. Kindly identify her.

Mr. MIGNON. Miss Shandros at that time first came to the American Radio Telegraphers Association as secretary to the president of the union. She remained in a secretarial position until she was promoted to the job of legislative representative of the American Communications Association, with offices in Washington, D. C. I knew her as a Communist.

Mr. ARENS. I might say now, Mr. Mignon, that I propose to ask you about a number of people, and in reply, I want to have you give us an affirmative reply only in those instances in which you are morally certain on the basis of attendance at closed Communist Party meetings, that the person whom you identify, was known by you to be a Communist. Do you understand?

Mr. MIGNON. I would only answer "Yes" if I do know, and if I do not know I will not answer "Yes."

Mr. ARENS. Surely.

Mr. DOYLE. Counsel?

Mr. ARENS. Yes.

Mr. DOYLE. May I lay a further foundation there, please? As long as you are going to ask this question this way, what is the basis of

your answer about these last two people—that you knew them to be Communists? How do you know they were?

Mr. MIGNON. Because I attended meetings with them, closed meetings.

Mr. DOYLE. Of the Communist Party?

Mr. MIGNON. Of the Communist Party; Communist Party cells.

Mr. DOYLE. And will that answer or will it not apply and be the reason why you may answer Mr. Arens' further questions on these names—that you also know, from this list of names of people, that he is going to ask you about?

Mr. MIGNON. That will be the basis. The basis will be that either I attended meetings with them or I knew positively that they were and I saw them pay dues to the party.

Mr. DOYLE. And these people were members of the Communist Party at the same time you were; during the same time?

Mr. MIGNON. Yes, sir; during the same period that I was a member.

Mr. ARENS. In the interests of expediting the testimony, I will call as we proceed here the names of several persons, and then you tell us either affirmatively or negatively whether or not you knew each as a Communist, and give us a word of identification with reference to each of them. Is that understood?

Mr. MIGNON. I will try to.

Mr. ARENS. Josephine Timms?

Mr. MIGNON. Yes, sir; I knew her to be a Communist. She was the secretary-treasurer of the American Communications Association, prior to Mr. Kehoe being elected to that job.

Mr. ARENS. Joseph Selly?

Mr. MIGNON. Yes, sir; I knew Mr. Selly to be a Communist. He was an organizer for the American Communications Association, and later he was elected as the vice president of the telegraphers division of that union and after that he was elected as the president of the union.

Mr. ARENS. Is he presently president of the ACA?

Mr. MIGNON. Yes, sir.

Mr. ARENS. Mollie Townsend?

Mr. MIGNON. Yes, sir; I knew Mollie Townsend. To the best of my knowledge she was a local officer, an officer of Local 40 of the American Communications Association, working for Postal Telegraph.

Mr. ARENS. Bill Burke?

Mr. MIGNON. Yes, sir; I knew Bill Burke. He did not come from the industry. He came from outside of the industry as an organizer for the American Communications Association.

Mr. ARENS. Chester Jordan.

Mr. MIGNON. Yes, sir; I knew Chester Jordan. He was in the marine division of the American Radio Telegraphers Association, generally working out of the west coast.

Mr. ARENS. Mr. Mignon, you have in staff consultation identified a number of people whom you have told the staff, on the basis of your background and experience in the Communist Party you could identify as Communists; is that correct?

Mr. MIGNON. To the best of my recollection, yes, sir; I did.

Mr. ARENS. Would you kindly look at the list laid before you now for the purpose of refreshing your recollection, and tell the committee the name and the spelling of the last name each person whom you

can identify to a certainty to have been a Communist, and a word about that person. I think that is the best way to proceed, because you seem to have had a slight doubt in two instances here, and we do not want you to give an identification if you have any doubt.

Mr. MIGNON. May I proceed?

Mr. ARENS. You may proceed.

Mr. MIGNON. Mr. Frank Lagos, I knew as a Communist.

Mr. ARENS. And a word about him, please?

Mr. MIGNON. He was employed by Western Union Domestic.

Mr. ARENS. In what capacity; do you know?

Mr. MIGNON. As a teletype operator, to the best of my knowledge.

Howard Vincent Trautman, an employee of RCA Communications, president of Local 10 of the American Communications Association.

Mr. ARENS. Did you know him as a Communist?

Mr. MIGNON. Yes, sir.

Ted Iannucci, I knew him.

Mr. ARENS. I will say for the benefit of the committee at this time, that Mr. Iannucci is a cooperative witness and will either today or tomorrow testify as a friendly cooperative witness.

Mr. MIGNON. He was an employee of RCA Communications. I do not recall now his job title at that particular time.

Hy Heller. He was an employee of Mackay Radio & Telegraph Co. during that period, as a radio operator.

Mr. ARENS. You knew him as a Communist, did you?

Mr. MIGNON. Yes, sir.

Joseph Finsmith, I knew him as a Communist. He was an employee of RCA Communications in a clerical position at that time.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the committee would like to know that Mr. Joseph Finsmith will be a friendly witness and I believe will follow Mr. Mignon to the stand.

Is there another person?

Mr. MIGNON. Harry Parris.

Mr. ARENS. Did you know him as a Communist?

Mr. MIGNON. Yes, sir; I did.

Mr. ARENS. A word of identification, if you please, sir.

Mr. MIGNON. He worked for RCA Communications and worked for Mackay Radio & Telegraph Co. as a radio operator.

Douglas Ward: I knew him as a Communist. He worked at that time with Press Wireless.

Mr. ARENS. This next name I suggest you spell, or can you identify the name of the next person as a Communist?

Mr. MIGNON. Yes.

Mr. ARENS. Spell the name, then.

Mr. MIGNON. C-o-n-c-e-t-t-a P-a-d-o-v-a-n-i. She was an employee of Postal Telegraph.

Mr. ARENS. Did you know her as a Communist?

Mr. MIGNON. I did.

Mr. ARENS. The next one, if you please, sir?

Mr. MIGNON. Charles Silberman.

Mr. ARENS. Did you know him as a Communist?

Mr. MIGNON. I did.

Mr. ARENS. In what capacity?

Mr. MIGNON. He came as the editor of the ACA News.

Roy Pyle: He was the vice president of the American Radio Telegraphers Association.

Mr. ARENS. Did Mr. Pyle recruit you into the Communist Party?

Mr. MIGNON. Yes, sir; I believe so, sir. He introduced me to the subject.

Mr. ARENS. And do you here now identify him as a person known by you to have been a Communist?

Mr. MIGNON. Yes, sir.

Mr. ARENS. Could you give us a word of identification?

Mr. MIGNON. He was the vice president of the American Radio Telegraphers Association.

Mr. DOYLE. What position, if any, had he in the Communist Party, to your knowledge, at that time—if you know?

Mr. MIGNON. I don't know if he had any special position in the Communist Party, sir.

Mr. ARENS. The next one, if you please, sir.

Mr. MIGNON. Mervyn Rathborne.

Mr. ARENS. Did you know him as a **Communist**?

Mr. MIGNON. I did. He was the president of the American Radio Telegraphers Association, later the American Communications Association, prior to Mr. Selly becoming president of the union.

Oliver M. Salisbury: I knew him.

Mr. ARENS. As a Communist?

Mr. MIGNON. As a Communist on the west coast. He was the secretary-treasurer of Local 9 of the American Communications Association.

Louis Siebenberg: I knew him as a Communist. He was the president of Local 40, which was the telegraph local having jurisdiction over Postal Telegraph at that time.

Joseph Kehoe: I knew him as a Communist. He came from outside of the industry to work for the American Communications Association.

Mr. ARENS. What does he do now?

Mr. MIGNON. He came from outside of the industry to work for the American Communications Association as an organizer and he was later elected as the secretary-treasurer of the union. I believe that he is currently the secretary-treasurer of the American Communications Association.

Mr. ARENS. All right, sir. Another name, please, sir?

Mr. MIGNON. Lola Kehoe. That would be Mr. Kehoe's wife. I knew her as Lola Lagos. She was an employee of Western Union, and I knew her as a Communist.

Mr. ARENS. Is there another name that occurs to you?

Mr. MIGNON. Daniel Driesen. I knew him as a Communist.

Mr. ARENS. What was his identification, please, sir?

Mr. MIGNON. He came to work for the American Communications Association and was the legislative representative in Washington prior to his entering the Armed Forces. He is dead, by the way. He was killed in the war.

Mr. ARENS. Is there another name?

Mr. MIGNON. Frank Grumman. He was secretary-treasurer of Local 10 of the American Communications Association. He was an employee of RCA Communications and to the best of my knowledge is still secretary of Local 10.

Willie Chew: He was an employee of RCA Communications at that time as a radio operator, today as a technician.

Mr. ARENS. He is employed there as a technician now?

Mr. MIGNON. Yes, sir.

Mr. ARENS. All right, sir.

Mr. MIGNON. Jewel Hobbs. I knew him as a Communist and a radio operator who worked for both RCA Communications and Mackay Radio & Telegraph Co.

I may add that I am giving the job titles of these people as I knew them up to 1940. Their job titles may have changed.

Fred Robitzer: I knew him as a Communist, and he was employed by RCA Communications, at this time as a radio operator.

Homer Mulligan I knew as a Communist on the west coast.

Mr. ARENS. And his identification, please, sir.

Mr. MIGNON. Working as a radio operator for Mackay Radio & Telegraph Co.

Boothroyd—no first name.

Mr. ARENS. A person by the name of Boothroyd; is that correct?

Mr. MIGNON. Yes, sir.

Mr. ARENS. But you do not recall the first name?

Mr. MIGNON. No, sir.

Mr. ARENS. Please identify that person.

Mr. MIGNON. I knew him as a Communist. He worked for Mackay Radio & Telegraph Co. in Portland or Seattle, and later on New York City.

Hy Frumkin: I knew him as a Communist and he worked for Western Union.

I am skipping the last name.

Mr. ARENS. Is each and every one of the persons whose names you have told us about, whom you have identified, a person who to your certain knowledge, was known by you to have been a Communist?

Mr. MIGNON. At this time; yes, sir.

Mr. ARENS. Mr. Mignon, on the basis of your background and many years of experience in the communications industry, may I pose this question to you:

Is there danger to the security of the United States if Communists are employed in the communications industry?

Mr. MIGNON. In my opinion, the answer is definitely "Yes."

Mr. ARENS. Why?

Mr. MIGNON. Well, believing sincerely as the American labor movement does, I believe that there is no room in the American labor movement for Communists, No. 1; and, No. 2, in line with the position of my own union, the Communications Workers of America, which I represent, we believe that there is no room for Communists in the communications industry. We recognize the industry as being a sensitive industry, necessary for the national defense.

In recognizing this we have so stated in a labor agreement that we have negotiated with A. C. & R. Therefore, these are not idle words, and we believe that the communications facilities of the United States should be in the hands of loyal Americans, without any chances being taken as to these facilities being in the hands of disloyal elements.

Mr. SCHERER. I do not want to labor the point that I have raised before, but just so that I have it straight in my own mind and we have

it straight in the record, I understand the substance of your testimony initially was to the effect that during the time you were a member of the Communist Party and a member of the American Communications Association, the Communists both in and out of the union desired to control the union, so that if a revolution should take place at some indefinite future time, or if we should be at war at some indefinite future time with the Soviet Union, then, and in that event, it might be possible either to commit espionage or sabotage more effectively if the party controlled the union. I understood that that was the substance of it.

Mr. MIGNON. I would place control before sabotage and espionage. In their chronology, I would say control, and if unable to control, sabotage, and as for the question of espionage, very frankly I am not convinced in my own mind that that is the important point.

Mr. SCHERER. You think sabotage then is more important than espionage?

Mr. MIGNON. I believe so, sir.

Mr. SCHERER. That is the very point I am trying to make. The policy at that time was to control the union; isn't that right?

Mr. MIGNON. Yes, sir.

Mr. SCHERER. That was the policy.

No actual steps had been taken toward planning how any sabotage might be committed, should these eventualities arise, namely, revolution or war with Russia.

Mr. MIGNON. That is right, sir.

Mr. SCHERER. It was merely a policy.

Mr. MIGNON. Yes, sir.

Mr. SCHERER. In fact, it had not been communicated by the Communists within the union down to the rank and file in any way, particularly if they were not members of the Communist Party?

Mr. MIGNON. That is correct.

Mr. SCHERER. So we had merely a policy or a doctrine, by men who believed, from your testimony, in the overthrow of this Government by force or violence if necessary.

Mr. MIGNON. And now we go into another field about which I can't speak with any authority.

Mr. SCHERER. Well, leave the last part of my question off, then.

Mr. MIGNON. The policy as you have stated it, without that last part, is correct.

Mr. SCHERER. The observation, then, I want to make is that under the decision of the Supreme Court in the California cases, such conduct on the part of the Communists, if it were to happen today within that union, would not constitute a violation of the Smith Act.

Mr. MIGNON. I cannot make any comment on that, sir, because I am not an attorney.

Mr. SCHERER. It is just an observation that I wanted to make.

Mr. DOYLE. In other words, you think that the way the Court ruled, it would hold that if it happened now it would be a mental attitude rather than an activity?

Mr. SCHERER. It would only be a policy on the part of this union.

Mr. DOYLE. It would be thinking instead of action.

Mr. SCHERER. It would be a policy on the part of the union to put them in a position to act if the time should come. And I say that

Congress intended that that conduct constituted a violation of the Smith Act. I don't see why we have to wait until they cut the cables.

Mr. DOYLE. If secretly, and yet systematically spending its time and money and effort to get control of a labor union in a sensitive position to control domestic and international communication whenever they wanted to—

Mr. SCHERER. For purposes of sabotage.

Mr. DOYLE. For the purposes of the Communist Party, whatever they might be at the time, that they wanted to exercise—if that isn't action, what is action?

Now, may I ask this question: Was the definite policy of the Communist Party while you were in the field of communications to control that union for the purpose of controlling the communications systems on which the union was working. Was that policy ever announced publicly to the union membership?

Mr. MIGNON. No, sir.

Mr. DOYLE. It was not?

Mr. MIGNON. Of course not. Because if such a policy had been announced to the members of the union, and since the vast majority of the members of ACA, as it has been amply testified, are loyal Americans, they would rise up in arms and throw these people out. The fact of the matter is that these were policies explained only to the members of the Communist Party, not for the purpose of explaining it to the members of the union, who were not members of the Communist Party.

Mr. ARENS. That is the Communist fractions within ACA?

Mr. MIGNON. That is right.

Mr. DOYLE. Then am I correct that the selection of these union officers by the union members to positions of leadership in the union was done without revealing to the membership of the union that they were Communist conspirators and Communist Party leaders?

Mr. MIGNON. Communist Party members.

Mr. DOYLE. In other words, it was not disclosed.

Mr. MIGNON. It was not disclosed to the members of the ACA that any of these officers or leaders were members of the Communist Party. As a matter of fact, I believe that the records of Congress are replete with the denial on the part of the officers of the ACA to state whether they ever were members of the Communist Party or whether they are today members of the Communist Party. They have sought the protection of the fifth amendment or the first amendment.

Mr. SCHERER. What you say has been generally true with reference to all unions that have been Communist dominated. There were only a few, a handful at the top, controlling them, and the large bulk of the membership, as you also say, were loyal Americans who had no knowledge of the fact that their leaders were members of the Communist Party or had such objectives as you say the leaders of the Communications Union had at the time you were a member of the party.

Mr. DOYLE. Now, right at that point, I have before me here the full text of the *United States of America v. Seymour Peck*, which was a court decision right in this district.

Mr. SCHERER. That Youngdahl decision?

Mr. DOYLE. I am looking for it.

Mr. SCHERER. I will have to take the fifth amendment before commenting on that decision.

Mr. DOYLE. Well, don't say it is all bad. Because here is a good statement, that is included in it, and I think it is very pertinent. I will just read two sentences that I think are pertinent, right along the line of this witness' testimony, because certainly his testimony shows that that was a secret conspiracy of the Communist Party to control the union for subversive purposes. And here is what Judge Youngdahl said, within the last 2 weeks:

For the Communist movement now constitutes a criminal conspiracy, and identifying members of the party may well be necessary under certain such circumstances.

Mr. SCHERER. But Judge Youngdahl in that opinion, Mr. Doyle, I respectfully point out, said that this witness here today, if he didn't want to cooperate and do the fine job that he is for his Government, could sit here and refuse to tell us who were in the party with him at the time he was a member of the party. He could invoke the first amendment and refuse to tell us. That is what Judge Youngdahl said in that opinion. Of course, he is following the Supreme Court.

Mr. DOYLE. I am reading you the exact language of Judge Youngdahl on this one statement, and I think it is very pertinent and very apropos.

I am reading you what he said on this one point, showing that beginning away back between 1936 and 1940, when you were in the party, there was that criminal conspiracy, and the judge held 2 weeks ago that there still is a "criminal conspiracy" in the Communist Party.

Mr. SCHERER. We all know that. We don't need a judge to tell us that.

Mr. DOYLE. But the judge agreed with us in this case.

Mr. ARENS. Mr. Mignon, what was the name which you used in the Communist Party?

Mr. MIGNON. I believe it was Paul Leonard.

Mr. DOYLE. And that was a secret name, only known by other Communists?

Mr. MIGNON. Yes, sir.

Mr. DOYLE. You didn't get mail that way at your home?

Mr. MIGNON. No, sir.

Mr. DOYLE. You didn't vote that way?

Mr. MIGNON. I never did receive any mail at my home.

Mr. DOYLE. You didn't draw any pay under that name?

Mr. MIGNON. No, sir.

Mr. DOYLE. You didn't do anything except act as a Communist under that name?

Mr. MIGNON. I was advised that it would be wiser to join the Communist Party under a fictitious name rather than under my own name.

Mr. DOYLE. Thank you very much for your very helpful assistance to the Congress in understanding these problems as they relate to possible remedial legislation in this field of communications or any other field which is pertinent.

Mr. MIGNON. Thank you.

Mr. DOYLE. And thank you, Counsel, for coming. We are always glad to have counsel here.

Mr. ARENS. The next witness is Mr. Joseph Finsmith.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FINSMITH. I do.

Mr. DOYLE. Will you take the witness chair?

TESTIMONY OF JOSEPH FINSMITH

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FINSMITH. My name is Joseph Finsmith, 5 Ridge Road, Searingtown, Long Island, N. Y. I am manager of the personal service bureau, RCA Communications, Inc.

Mr. ARENS. Kindly give us, if you please, Mr. Finsmith, just a brief thumbnail sketch of your own personal background, with particular emphasis upon your employment experience in the communications industry.

Mr. FINSMITH. I left the silk house in 1928 to work for RCA Communications in the capacity of a telephone recorder. I assumed the managership of the personal service bureau in 1945.

Mr. ARENS. Have you continuously been employed in that capacity ever since?

Mr. FINSMITH. I have.

Mr. ARENS. Mr. Finsmith, have you ever been a member of the Communist Party?

Mr. FINSMITH. I was.

Mr. ARENS. Kindly tell us where and when you joined the Communist Party.

Mr. FINSMITH. I joined in late 1937. I approached one, I believe, Howard Trautman, although I hope my memory is serving me correctly, of my own volition; and I left the party in 1939.

Mr. ARENS. What party name did you use when you were a member of the Communist Party?

Mr. FINSMITH. Joe Dall.

Mr. ARENS. Was your disassociation from the Communist Party wholly voluntary on your part?

Mr. FINSMITH. It was.

Mr. ARENS. Where were you assigned, or in what cell were you active, in the Communist Party?

Mr. FINSMITH. It was in the cell of RCA Communications, and sometimes the cell would meet with that of Western Union or other groups in the industry when there weren't enough people to attend meetings.

Mr. ARENS. And where was that? In what city?

Mr. FINSMITH. It would be in New York City.

Mr. ARENS. Did you hold any office or post in the Communist Party, or were you just another member?

Mr. FINSMITH. Just another member.

Mr. ARENS. Did you, during the course of your membership in the Communist Party, serve in closed Communist Party meetings in which only comrades were admitted?

Mr. FINSMITH. There were a few of them.

Mr. ARENS. During the course of your membership in the Communist Party, did you have occasion to know to a certainty other persons as Communists?

Mr. FINSMITH. I did.

Mr. ARENS. I shall call off to you, Mr. Finsmith, the names of certain persons and ask you to tell us whether or not, to a moral certainty, you knew them as members of the Communist Party, and if so, give us a word of identification with respect to each one of them.

First, if you please, sir, Mr. Joseph Selly.

Mr. DOYLE. May I lay the same foundation for this witness' testimony that I undertook to lay for the last witness?

In other words, will your answer to these questions when you answer affirmatively, be based upon the fact that you have sat in closed Communist cell meetings with these individuals?

Mr. FINSMITH. Yes.

Mr. DOYLE. And for that reason you can positively identify them as Communists known to you at that time?

Mr. FINSMITH. Yes, sir.

Mr. DOYLE. Thank you.

Mr. ARENS. Joseph Selly.

Mr. FINSMITH. He was at that time a vice president, I believe, of ACA.

Mr. ARENS. And did you know him as a Communist?

Mr. FINSMITH. Yes.

Mr. ARENS. Howard Vincent Trautman.

Mr. FINSMITH. He was at that time, I believe, president of Local 10.

Mr. ARENS. Then did you know him as a Communist?

Mr. FINSMITH. Yes.

Mr. ARENS. Geraldine Shandros?

Mr. FINSMITH. I knew her to be one. I believe she was secretary to Mr. Rathborne, of the national office, at the time.

Mr. ARENS. National office of what?

Mr. FINSMITH. ACA.

Mr. ARENS. Lillian Lagos?

Mr. FINSMITH. I knew her to be one, employed by Western Union; in what capacity, I don't know.

Mr. ARENS. Charles Silberman?

Mr. FINSMITH. He was the editor of the ACA News at the time, and a Communist.

Mr. ARENS. Louis Jenkins?

Mr. FINSMITH. He was an employee of RCA and an operator at the time.

Mr. ARENS. And you knew him as a Communist?

Mr. FINSMITH. Yes.

Mr. ARENS. Jewel Hobbs?

Mr. FINSMITH. Yes; I knew him as one. He was an operator at the time, RCA Communications.

Mr. ARENS. Mary Crook?

Mr. FINSMITH. Her name is Cooke.

Mr. ARENS. I beg your pardon. Cooke.

Mr. FINSMITH. Globe Wireless. I don't know what capacity.

Mr. ARENS. Did you know her as a Communist?

Mr. FINSMITH. At that time.

Mr. ARENS. Joseph Kehoe?

Mr. FINSMITH. Yes. I think he was a full-time officer of the American Communications Association at the time. I don't remember what capacity.

Mr. ARENS. Louis J. Stallone?

Mr. FINSMITH. I don't remember what capacity he worked at in RCA at the time. He was an operator or a clerk. I forget which.

Mr. ARENS. Was he a Communist?

Mr. FINSMITH. Yes.

Mr. ARENS. And where was he employed?

Mr. FINSMITH. In RCA Communications.

Mr. ARENS. Mervyn Rathborne?

Mr. FINSMITH. He was president of the American Communications Association at the time.

Mr. ARENS. Did you know him as a comrade or as a Communist?

Mr. FINSMITH. Yes.

Mr. ARENS. Josephine Timms?

Mr. FINSMITH. She was with Postal Telegraph at the time. I knew her to be one.

Mr. ARENS. Louis Siebenberg.

Mr. FINSMITH. Yes. At that time. Postal Telegraph local.

Mr. DOYLE. He hasn't added that he knew him as a Communist.

Mr. FINSMITH. Yes; I said that.

Mr. DOYLE. I beg your pardon.

* * * * *

Mr. ARENS. But with reference to the other persons, you are testifying under oath here and now that you knew them to be members of the Communist Party; is that correct?

Mr. FINSMITH. Yes.

Mr. ARENS. Are you in a position to appraise for the committee the importance the Communist Party attached to infiltrating and controlling the communications industry?

Mr. FINSMITH. I wasn't in the higher echelon; so I suppose some of the things that Mr. Mignon said weren't conveyed to me. The only thing that was conveyed to me was to strengthen the party in the communications industry as far as I could; in other words, to recruit new members if I possibly could.

Mr. ARENS. Mr. Finsmith, your voice was low there, and I could not hear it. Perhaps the committee could not hear, either.

Mr. SCHERER. He said he was at the lower echelons of the party, and some of the things that were conveyed to Mr. Mignon were not conveyed to him.

Mr. FINSMITH. If they were conveyed, I was never at the meeting at which they were conveyed. The theme was to strengthen the party, to get as many members in the communications industry as possible.

Mr. DOYLE. May I interject there? You say the thing was to strengthen the party. How about strengthening the union?

Mr. FINSMITH. Well, it was assumed that by strengthening the union you would be strengthening the party, and vice versa.

Mr. ARENS. Did you have information respecting the number of persons who were Communists in the communications industry during your service in the Communist Party?

Mr. FINSMITH. No, sir.

Mr. ARENS. Did you recruit people into the Communist Party?

Mr. FINSMITH. I don't recall recruiting one.

Mr. ARENS. Do you know whether or not radio operators or operating technicians within RCA have access to the confidential or restricted messages which are sent over RCA facilities?

Mr. FINSMITH. I can't, frankly, answer that question. I don't know what jobs they are assigned to. In other words, their assignment may be such that they are isolated from handling messages as part of the job. In other words, that may not be part of their job at the time. What it was at that time—if I mentioned the fellow was an operator, he would have had access at that time. If he were a technician at that time, he may have had access at that time.

Mr. ARENS. Mr. Finsmith, I think that the committee ought to know that you were reluctant to testify publicly because of fear of some repercussions against yourself.

Mr. FINSMITH. That is right.

Mr. ARENS. People would say bad things about you.

Mr. FINSMITH. That is right.

Mr. ARENS. And, on behalf of the staff, I want to compliment you for the courage you have displayed today and in the staff consultations we have had with you in giving us this information.

Mr. DOYLE. And I do it very gladly on behalf of the committee. We happen to be Congressmen, but nice things are said about us—only I do not mean nice—because we have the responsibility of working on this committee. There are very unpleasant, unkind, untrue, and unfair statements that have been made, and if those have been made about you, just know that you have plenty of company, and we congratulate you on having the guts and the backbone to come and help your own United States Congress.

Mr. ARENS. Is there any other item of information, Mr. Finsmith, which you would like to present to the committee now?

Mr. FINSMITH. Well, simply this: that listening to Mr. Mignon's testimony, of course, he, having been in the higher echelons, would know more about Communist policy at the time than I would.

I don't think that some of the things that were said were conveyed to the actual lower echelons of the party. As such, we would have no public knowledge of these policies.

Mr. ARENS. We thank you very much, Mr. Finsmith, for appearing today.

Mr. DOYLE. The committee will stand in recess until 10 o'clock tomorrow morning when we will hear the other witnesses subpoenaed.

(Whereupon, at 3 p. m., Wednesday, July 17, the hearing was adjourned until 10 a. m. Thursday, July 18, 1957.)

INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART I

THURSDAY, JULY 18, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The subcommittee met, pursuant to recess, at 10:08 a. m., in the Caucus Room, Old House Office Building, Washington, D. C., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle, of California (presiding), James B. Frazier, Jr., of Tennessee, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director; Frank S. Tavenner, Jr., counsel; and W. Jackson Jones and Louis J. Russell, investigators.

Mr. DOYLE. The committee will please come to order.

May the record show that the full membership of the subcommittee is present: Mr. Frazier, of Tennessee; Mr. Scherer, of Ohio; and myself, Doyle, of California, subcommittee chairman.

Are you ready, Mr. Arens?

Mr. ARENS. Yes, sir.

Mr. DOYLE. Please proceed.

Mr. ARENS. The first witness, if you please, Mr. Chairman, will be Mr. Frank Grumman.

Mr. Grumman, would you kindly come forward, please? Remain standing while the chairman administers the oath to you, Mr. Grumman.

Mr. DOYLE. Do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRUMMAN. I do.

Mr. DOYLE. Please have the witness chair.

TESTIMONY OF FRANK GRUMMAN, ACCOMPANIED BY LEONARD B. BOUDIN, COUNSEL

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. GRUMMAN. I am Frank Grumman, 410 Park Place, Fort Lee, N. J., and my occupation is radio operator.

Mr. ARENS. Mr. Grumman, may we be sure we have your name spelled correctly? Kindly accommodate us by spelling your name.

Mr. GRUMMAN. The last name?

Mr. ARENS. Yes.

Mr. GRUMMAN. G-r-u-m-m-a-n.

Mr. ARENS. You are appearing today, Mr. Grumman, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

(Witness conferred with counsel.)

Mr. GRUMMAN. The answer is "Yes." I am appearing in answer to a subpoena which was objected to, the jurisdiction of the committee in the body of the statement which I would like to present at this time.

Mr. ARENS. Just a minute, Mr. Grumman. You are represented by counsel?

Mr. GRUMMAN. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BOUDIN. My name is Leonard B. Boudin, of 25 Broad Street, New York City.

And I should like to address the question to the chairman of the subcommittee with respect to the procedure this morning.

May I inquire whether, in the light of the Watkins case, the committee will be permitting objections to be made by counsel or a statement by counsel as to the jurisdiction of the committee or whether the procedure will be as in the period prior to the Watkins decision, when only the witnesses were heard, because if counsel can be heard I have certain things that I would like to say.

Mr. DOYLE. No. This is still not a court, Mr. Boudin, and I do not think that the Watkins decision has changed the nature of this committee.

This committee is an investigative committee; it is not a court of law. While we will, as far as I am concerned, undertake, naturally, to comply with the ruling of the Supreme Court of the United States in the Watkins case, we will proceed as an investigative committee. We do not abandon our rules, which were necessary before the Watkins case and are still necessary, which specify that the function of counsel with the witness is to advise his client and does not permit of counsel addressing the committee, arguing with us. I am a lawyer, as you know. All three members of this subcommittee are lawyers, and practiced many years before we first came here. We always feel we like to have the benefit of counsel talking with us, but we do not change our rules in that regard on account of the Watkins decision.

Mr. ARENS. Now, Mr. Grumman—

Mr. BOUDIN. Excuse me one second.

May I simply note for the record, then, my objections as to the course the committee indicated they would follow, so my client's rights may be protected?

Mr. DOYLE. Your client's rights, I am sure, will be protected by you, and still I want to make my ruling clear, Counsel.

Our rule has not changed, in our judgment, with the Watkins decision, and we are not now interpreting that decision, as far as I am concerned, as requiring us to permit counsel to argue with the committee.

Mr. ARENS. Now, Mr. Grumman, would you kindly tell us where you are employed?

Mr. BOUDIN. Excuse me one second, Mr. Arens.

Mr. SCHERER. I have heard enough from Mr. Boudin, Mr. Chairman. I object to any further conversation from Mr. Boudin.

Mr. BOUDIN. May I address the Chair and ask one more question?

Mr. DOYLE. I will permit you to ask one more question.

Mr. SCHERER. I object.

Mr. BOUDIN. My only question is that: Do I take it your ruling which is quite clear with respect to objection and argument, extends to asking of any questions by me of you? In other words, am I permitted to ask you any questions on behalf of my client?

Mr. DOYLE. You are not. My ruling is that you are not. The rule long established by the committee, with which you have been familiar for many years, is not changed, in our judgment, by the Watkins decision. Your jurisdiction before this investigative committee, it not being a court, is limited expressly by the rules of the committee, with which you are familiar for many years, to advising your client.

Mr. ARENS. Now, Mr. Grumman, kindly tell this committee where you are employed.

(Witness conferred with his counsel.)

Mr. GRUMMAN. I would like to address myself to the chairman. I have, as I said, a statement which I would like to read.

Mr. ARENS. Now, Mr. Grumman, may I ask you about that statement? The rules of this committee provide that any statement of a witness must be filed in advance with the committee; then the committee will determine whether or not it is incorporated in the record. Are you aware of those rules?

(Witness conferred with his counsel.)

Mr. DOYLE. May I suggest to the witness that you speak a little bit louder, and perhaps more directly into the loudspeaker, so we will be sure to hear you?

Mr. GRUMMAN. I am quite willing to do that. Is the speaker position adequate?

Mr. DOYLE. Thank you.

Mr. GRUMMAN. This statement is primarily a statement of objections to the jurisdiction of the committee and, since it is, for my mind, a little bit complicated, I would like to be allowed to state it concretely and clearly, once completely, and not try to do it piecemeal.

Mr. ARENS. Mr. Chairman, I respectfully suggest that, pursuant to the rules of the committee, Mr. Grumman be permitted to file the statement, and the committee will take it under advisement.

Mr. DOYLE. I think that would be sufficient. You have registered your objection to the jurisdiction of this committee, in view of the Watkins decision, we understand that, in the statement that you prepared but have not submitted heretofore, in accordance with the rules of the committee. We would be glad to permit you to file it with your testimony, with the committee.

(Counsel conferred with the witness.)

Mr. GRUMMAN. Mr. Chairman, I don't want to engage in an argument with the committee. The point here is that this position, I think, is necessary for me to take. I will have to state it somehow or other in order to make it clear for the record, and it would be simpler, I think, if I were permitted to make the statement once, clearly, so it is understood by everybody, and not piecemeal.

Mr. DOYLE. Your statement will be included in your testimony. I have stated before, we are not a court of law. We are proceeding under the direction of the instructions of the full committee, the Un-American Activities Committee, and you have your recourse in a court of law if you think this committee has no jurisdiction. We think that we have. This is an investigation, and there is no need of you taking 15 or 20 minutes to read a prepared statement on objections. We will be glad to accept them and place them with your testimony in the file.

Mr. GRUMMAN. The statement, sir, is quite brief, and will not take a great amount of time to put in the record and, as an answer to some of the questions which I anticipate will be raised, I will have to read, certainly, portions of the statement to answer.

Mr. ARENS. Mr. Grumman, kindly tell this committee where you are employed.

(Witness conferred with his counsel.)

Mr. GRUMMAN. I am currently employed by RCA Communications, Inc., and temporarily in leave of absence for union work.

Mr. DOYLE. I cannot hear you.

Mr. ARENS. Keep your voice up. I could not hear that last part.

Mr. GRUMMAN. I will repeat that, sir. I am employed by RCA Communications, Inc., and I am temporarily on leave of absence from that company for union work.

Mr. FRAZIER. I cannot understand a word he says.

Mr. DOYLE. I wonder if the loudspeaker system is working.

Mr. FRAZIER. It is nothing but a mumble.

Mr. DOYLE. The speaker is working. Thank you for trying again on that.

Mr. GRUMMAN. I am supposed to be an expert on this kind of thing, but, really, I am not. Is this more adequate, sir?

Mr. DOYLE. It is better.

Mr. GRUMMAN. Shall I repeat?

Mr. DOYLE. Please; yes.

Mr. GRUMMAN. I am employed by RCA Communications, Inc., and I am currently on leave of absence for union work.

Mr. ARENS. How long have you been employed by RCA Communications?

Mr. GRUMMAN. Something over 25 years.

Mr. ARENS. In what capacities have you been employed?

Mr. GRUMMAN. Always as a radio operator.

Mr. ARENS. And where have you been employed?

Mr. GRUMMAN. Always in New York City.

Mr. ARENS. And can you give us just a word about the functions which you have engaged in in your employment at RCA?

Mr. GRUMMAN. I take it you mean what is the work of a radio operator? That is all I have done.

Mr. ARENS. Just a word of description about your functions.

Mr. GRUMMAN. A radio operator is a man trained in code, in Morse code, American Morse code, sometimes mostly international Morse code, because that is used in radio, and the job is simply that of transcribing that code, either by ear or from tape, onto message forms, in various manner. In later years I am also employed on such automatic equipment as may be on those same circuits.

Mr. ARENS. Do you or have you, at any time during the course of your employment at RCA, had access to any confidential or restricted information?

(Witness conferred with his counsel.)

Mr. GRUMMAN. I don't think so.

Mr. ARENS. Have you had access to any messages which have crossed the facilities of RCA, messages from any agency of the United States Government?

Mr. GRUMMAN. Well, going back over the years, I would say "Yes," I would handle any Government traffic that went over that particular—whatever particular circuit I was assigned to.

Mr. ARENS. Did you have access to any confidential Government messages?

Mr. GRUMMAN. I have no way of knowing what is confidential; the message comes; you handle it; there is no designation that I know of that lets you know whether it is confidential or not.

Mr. ARENS. Before I forget about it, you had this statement, Mr. Grumman. Do you care to cause that to be filed, before we leave that subject, the statement you were alluding to here?

Mr. GRUMMAN. At the close of my testimony we will act on that point. I mean I have only one copy, and I need the copy during the course of the testimony. Therefore, I will have to retain it.

Mr. ARENS. Where are you presently employed? I understand you to say you are on leave of absence?

Mr. GRUMMAN. I am currently on temporary leave of absence for union work.

Mr. ARENS. What union is that?

Mr. GRUMMAN. The American Communications Association.

Mr. ARENS. What is your connection at the present time with the American Communications Association?

Mr. GRUMMAN. I am an officer of Local 10.

Mr. ARENS. What office do you hold?

Mr. GRUMMAN. The office of secretary-treasurer.

Mr. ARENS. And how long have you held that office?

(Witness conferred with his counsel.)

Mr. GRUMMAN. As near as I can recollect, I was first elected to the office of secretary-treasurer in the early part of 1943.

Mr. ARENS. Have you held it continuously since that time?

Mr. GRUMMAN. I think—yes; continuously, except for 1 term where I held the office, I believe, of president for 1 term.

Mr. ARENS. What is the jurisdiction of Local 10, ACA? Could you tell us that?

Mr. GRUMMAN. Well, generally, as far as our union charter is concerned, the jurisdiction of Local 10 would be any radio or international radio or cable workers whom we could organize in the general area of the United States east of the Mississippi River. I believe that is the break.

Mr. ARENS. Could you help us on this: Where are the members of Local 10 employed, in what plant, or in what plants?

Mr. GRUMMAN. Well, the great bulk of the members of Local 10, the largest single group would be employed by RCA Communications in New York City.

Mr. ARENS. And how many members are there of Local 10?

Mr. GRUMMAN. Well, I mean you have to take an approximate figure.

Mr. ARENS. Surely. I appreciate that.

Mr. GRUMMAN. I believe that the membership at this point is something around 1,300 total.

Mr. ARENS. And who is the president of Local 10?

Mr. GRUMMAN. The president of the local is Mr. Louis Stallone.

Mr. ARENS. Now, Mr. Grumman, yesterday a gentleman by the name of Michael Mignon testified under oath that he had at one time been a member of the Communist Party, that while he was a member of the Communist Party he knew a number of people as Communists. That he had served in closed Communist Party meetings with those persons. He also told us about certain of those persons who were employed in the vital communications industry of this Nation. Among those persons whom he said he had known as a member of the Communist Party was yourself, Frank Grumman.

I now ask you, are you now a member of the Communist Party?
(Witness conferred with his counsel.)

Mr. GRUMMAN. I am sorry but I must decline to answer that question, and to explain the reasons why, the basis on which I do that I would have to go into some of the questions in the statement which go solely to that question.

I have conferred with counsel, in the light of the decisions of the United States Supreme Court——

Mr. ARENS. You are reading from an extensive document that is presently before you.

Mr. GRUMMAN. It is not an extensive document.

Mr. ARENS. It appears to be approximately two pages, typewritten, isn't that correct?

Mr. GRUMMAN. I can't explain my answer without going into all of this.

Mr. ARENS. Kindly answer this collateral question:

Is the document before you a document prepared by yourself?

Mr. GRUMMAN. The document which is before me was prepared in conference with counsel.

Mr. ARENS. And it is a document of approximately two pages, single spaced, typewritten?

Mr. GRUMMAN. It is a document which I am sure I can read——

Mr. ARENS. Kindly answer that question, Mr. Grumman.

Mr. GRUMMAN. Yes.

Mr. ARENS. About how long is the document, so this record will reflect what you are doing there?

(Counsel conferred with the witness.)

Mr. GRUMMAN. Well, I think, sir, that I have to ask the chairman to permit me to state my reasons for refusing to answer. I think it is essential that I have to have a reasonable opportunity to state my position, why I am doing this, and a reasonable opportunity to protect my rights in this situation.

Mr. ARENS. Mr. Grumman, may I ask a preliminary question there?

Is your refusal to answer this particular question based upon the grounds incorporated in the document which you presently have before you, which we have discussed previously on this record?

(Counsel conferred with the witness.)

Mr. GRUMMAN. This document is the statement of my objections, my reasons for refusing to answer the question, and I again ask the Chair to permit me to state my position.

Mr. ARENS. Now, Mr. Chairman, I want to make an objection on this record from the standpoint of a possible precedent here.

If this witness is permitted to read this extensive statement single spaced, apparently two pages long, in response to every pertinent question which we propose to ask him, the investigative processes of this and every other committee will be interminably impeded.

I therefore respectfully suggest, Mr. Chairman, that in view of the fact the witness has this extensive document which he says was prepared in consultation with counsel, if the witness so desires, he allude to the document as his reasons, but be obliged to give a summary of those reasons in response to the outstanding question.

(Witness conferred with his counsel.)

Mr. DOYLE. As soon as the witness is through consulting with his counsel I will make the ruling.

Mr. GRUMMAN. Mr. Chairman, this is a very summarized statement in itself. It is compact. I have no intention of trying to repeat it, unless I am required to do so. I believe that since I have presented it, its further—

Mr. DOYLE. You are thoroughly familiar with that statement. Can't you give the summation of that statement as your objections?

Mr. GRUMMAN. Sir, I cannot readily do so. It is in a summary form, a compact statement.

Mr. ARENS. Then, Mr. Chairman, I respectfully suggest the witness be obliged to file the statement, so the work of this committee and other congressional committees using this case as a precedent, will not be interminably hindered.

Mr. DOYLE. I believe the standing rule of the committee is a fair rule, that any prepared statement that the witness proposes to read should be first filed with the committee. I am not willing to undertake to suspend that rule of the committee.

You are familiar with it. Your counsel has been familiar with it for years; therefore if you want to file that statement with the committee you are welcome to do so, even at this late date, but I do now ask you to comply with the rule of the committee, which is a manifestly reasonable rule. You were familiar with it before you came.

(Counsel conferred with the witness.)

Mr. ARENS. Would you kindly proceed to answer the question, Mr. Grumman? We have been in a state of consultation between you and your lawyer here now at least 5 or 6 minutes.

Mr. GRUMMAN. I honestly didn't think it was that long, sir. But, trying to summarize this thing, which is extremely difficult, and without waiving any rights which I may have in this situation, I would like to read, in an effort to summarize this thing, the first and last paragraphs of the statement, which I believe—while I don't think they are completely adequate, I believe they state some of the essences of the position.

Mr. DOYLE. May I make this clear to the witness: We want you to have an adequate opportunity to state your objections in answer to that question. You have indicated that by reading a small portion of this two-page prepared statement—you go ahead and read those two, if it will help you in making your statement of objections.

Mr. ARENS. Do you understand the question which is outstanding?

Mr. DOYLE. But with this understanding, that you are offering that statement to the committee as part of your testimony. In other words, we have no objection to offering that statement to the committee, and it has been so stated before, twice.

Naturally, if you are going to refer to the statement, we want it filed. If you are going to read from it that is entirely proper and reasonable, if the statement is filed with us.

Mr. ARENS. Let the record be sure the witness understands the question.

Now, Mr. Grumman, do you understand the question outstanding is: "Are you now a Communist?" You understand that is the outstanding question.

Mr. GRUMMAN. I understand the question perfectly.

I would like just to understand the statement of the Chair clearly also.

My intention was to read the entire statement and then to refer to that, certain kinds of questions might be answered, and I thought that would facilitate the whole procedure, I think you are making it more difficult for me by not permitting the entire statement to be read.

Mr. FRAZIER. Mr. Chairman, may I inquire whether the witness has declined to answer that question?

Mr. ARENS. No. We are just still waiting for his response, Mr. Frazier.

Mr. GRUMMAN. Well then, to answer that question, I would decline to answer it, and to state the reasons why, and I would read these two paragraphs which I think are not completely adequate, but which I do believe state the objections here.

Mr. DOYLE. Then we will have this understanding, Witness. In addition to reading that small portion of a long prepared statement, you are welcome to supplement that reading by your own additional statement, if you feel you want to, if you believe it is pertinent, and a competent statement. In other words, we don't want to cut you off from making your complete statement.

Mr. GRUMMAN. Well, sir—

(Counsel conferred with the witness.)

Mr. GRUMMAN. I suppose I should proceed to read, and if you think I am wrong, cut me off, and I will go—

Mr. DOYLE. No. You read the two summarizing paragraphs that you have stated probably summarize your written statement.

Mr. GRUMMAN. No; I am not reading them as a summary of the statement. I am reading them as explaining my reasons for declining to answer a specific question. I don't think I can proceed any other way here.

Mr. DOYLE. Go ahead and read your two paragraphs.

Mr. GRUMMAN. Right.

I first stated that I decline to answer the question that was asked, and I wish to read the following:

I have conferred with counsel, in the light of the decisions of the United States Supreme Court in the Watkins' and Sweezy cases. I am advised by counsel that the powers of this committee are strictly limited, especially when the committee seeks to compel a witness to testify "about his beliefs, expressions, or associations." Such questioning, said the Court, constitutes governmental interference with free speech, press, and assembly.

The Court further pointed out that a committee may not call witnesses just to expose or punish them, but only for a necessary legislative purpose. So, said the Court, the protected freedoms of free speech and assembly "should not be placed in danger in the absence of a clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need."

And so, with all respect to this committee, acting on the advice of counsel, I shall decline to answer questions concerning my beliefs, expressions, or associations, on the ground that such questioning constitutes an interference with my rights under the first amendment to the Constitution and that such questioning is beyond the jurisdiction of the committee. The enabling resolution itself is an unlawful delegation of power to the committee. Moreover, I do not believe that any such questioning can be pertinent to any legitimate inquiry by the committee under its enabling resolution.

Mr. ARENS. Now, Mr. Grumman, I want to advise you that this committee is considering legislation, considering the possibility of legislation which might implement the Communist Control Act of 1954.

The Communist Control Act of 1954 precludes the certification by the National Labor Relations Board of an organization which is found by the Subversive Activities Control Board to be Communist infiltrated.

This committee is likewise considering whether or not there should be amendments to the Internal Security Act or the Communist Control Act or the creation of a new act for the purpose of precluding access to vital facilities by persons who are Communists who may engage in espionage or sabotage of vital communications facilities.

I am not in this question undertaking to elicit from you anything of your beliefs, of your associations, or your expressions. This record at the present time shows that you, Frank Grumman, have been identified as a person known to have been a member of the Communist Party, you have told on this record that you are or have been employed as a radio operator in a vital communications facility.

I therefore now ask you again this question: Are you now a Communist?

Mr. DOYLE. Now, counsel, as further foundation, to show the pertinency of this question, I have before me the full text of the recent decision by the United States District Judge Youngdahl, in case of *U. S. of America v. Seymour Peck*, criminal case No. 1214-56, decided here in the United States district court within the last 15 days, in which the Federal court said, amongst other things:

For the Communist movement now constitutes a criminal conspiracy, and identifying members of the party may well be necessary under certain circumstances.

(Counsel conferred with the witness.)

Mr. DOYLE. Now, one further statement:

You testified that you are a member of the very same organization which Mr. Mignon, the witness yesterday before this committee, under oath testified. You testified you were one-time president of the same organization which he related yesterday under oath. On yesterday he testified that your union was dominated and controlled by the Communist Party, which Judge Youngdahl ruled within the last 15 days was now a criminal conspiracy.

And here is what he said, as a member of the very union that you are a member of, and apparently have been for many years, a member of that same union:

I was told and taught that only a Communist could be a good trade unionist.

The eventual objective was when and if revolution came to change our form of government, that the Communists would be in a position to control communications facilities of the Nation.

I wish to say as subcommittee chairman, I think it is entirely pertinent and proper that we ask you whether or not you are a member of the Communist Party, for the purpose of this investigation.

Mr. ARENS. Now, Mr. Chairman, I wish to supplement even that statement, by one other statement, so that this record will be abundantly clear.

Namely, Mr. Grumman, if you are now a Communist, you could tell this committee, in all probability, of directives from the Communist Party to Communists respecting the vital communications facilities of this Nation. If you are now a Communist you could tell this committee of the techniques proposed by the Communist Party to seize the communications industry, to intercept messages, to sabotage communications in the event of war.

Further, I think the record at this point might well, so it is abundantly clear, reflect the fact again that Mr. Mignon's identification of you as a Communist was some several years ago. Whether or not you are now a Communist does not appear in the record.

Therefore, I repeat the question:

Are you now a Communist?

And I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the question.

Mr. DOYLE. You are ordered and directed to answer that question. I believe it is entirely pertinent.

Mr. SCHERER. Mr. Chairman—

Mr. DOYLE. Before you do that I am again saying we expect you and ask you and direct you to file your statement with the committee. I permitted you to refer to it and read part of it. I am not going to permit you to violate the rules of this committee any further.

Mr. BOUDIN. Excuse me one moment.

Mr. DOYLE. Yes, indeed. Take more than one moment.

Mr. BOUDIN. One will be enough.

(Counsel conferred with the witness.)

Mr. ARENS. Mr. Scherer, we have been 45 minutes trying to get the witness to answer this 1 question.

Mr. BOUDIN. Could I be permitted to consult further for another moment?

Mr. SCHERER. Now, Mr. Boudin, counsel was talking with me.

Mr. BOUDIN. I understand what counsel was saying about 45 minutes. I would like to consult with the witness in accordance with the instructions by the chairman.

Mr. SCHERER. I want the record to show we have been 45 minutes trying to get the witness to answer this 1 question.

Mr. BOUDIN. It would have been 5 minutes if you would have allowed the witness to make a statement, exactly 5.

Mr. SCHERER. We are still running the committee, Mr. Boudin.

Mr. DOYLE. Witness, may I make this clear, and I want you to understand this before I require you to answer that question, whether or not you are a Communist now. You referred to a document, which you have before you, and I stated, as I permitted you to read from a portion of it, that I expected it to be filed.

We believe it is entirely pertinent and proper that you do now file that statement so we can read it and consider it. I may want to make a ruling about it.

You say you helped prepare it with the advice of legal counsel.

Mr. GRUMMAN. Well, I am in the position of having this one copy. I am perfectly willing to turn it over to be read. I would like to have it back because I want to refer to it.

Mr. DOYLE. Well, certainly, we want to consider it. That is the fair thing to you and the fair thing to us.

Mr. GRUMMAN. If you must consider it, there it is [handing document].

Mr. ARENS. Would you kindly answer the question?

Mr. SCHERER. Wait just a minute.

Mr. DOYLE. Wait until we read this, Mr. Arens.

Mr. FRAZIER. It is a long thing.

Mr. ARENS. Mr. Chairman, while the committee is considering that statement, I should like at this point to read into the record rule IX of the committee, so there will not be construed to be here any waiver of the rule of the committee, even though the committee is now reading the statement.

Mr. BOUDIN. Mr. Chairman, may I suggest we can't do two things at once?

Mr. ARENS. Mr. Chairman, rule IX reads as follows:

A. Any witness desiring to make a prepared—

Mr. BOUDIN. If the chairman is reading the statement of the witness, how can he be listening to Mr. Arens?

Mr. ARENS. Counsel knows his sole and exclusive prerogative is to advise his client.

Mr. BOUDIN. Go ahead and do both at one time, if you want. I am not going to interrupt.

Mr. ARENS. Mr. Chairman, rule IX reads as follows:

I want to read that into the record.

IX. STATEMENT BY WITNESS

A. Any witness desiring to make a prepared or written statement for the record of the proceedings in executive or public sessions shall file a copy of such statement with the counsel of the committee within a reasonable period of time in advance of the hearing at which the statement is to be presented.

B. All such statements so received which are relevant and germane to the subject of the investigation may, upon approval, at the conclusion of the testimony of the witness, by a majority vote of the committee or subcommittee members present, be inserted in the official transcript of the proceedings.

Mr. DOYLE. I will ask your indulgence another minute or two while we complete reading the statement.

We have read the statement, Witness, which you quoted in part, and we see that it contains a considerable elaboration of the activities of your union, which we believe is not pertinent to your own individual position in refusing to answer this question.

We do not see where or how it is possible that the activities of your union are pertinent to your own individual situation in the presence of this question.

We have considered all the other points set forth also in your statement. We will incorporate in the record only those portions of the statement which appear to be pertinent to your own individual position in the presence of this question and this investigation.

Mr. ARENS. Mr. Chairman, at this point I should like this record to reflect a ruling by the Chair so that there will not be construed as a precedent a waiver of the rule of this committee which I have read, which requires a filing of these statements within reasonable time in advance of the proceedings of the committee. I say that for the reason that it is clear to me—and I believe it should be clear to any person who has had any experience in these congressional investigations—that if witnesses from here on in are to be permitted to read or to consume the time of the committee in statements, the length of which we cannot control, proceedings of this and other congressional committees would be interminably hampered.

Mr. DOYLE. I am sure the committee sustains our director or counsel in the reading of that rule, which is the text of the rule I have referred to previously.

We have considered your statement, Witness, and I direct you to answer the question. I overrule your objection, and direct you to answer the question.

Mr. GRUMMAN. May I request the Chair to return the statement?
(Statement handed to the witness.)

Mr. GRUMMAN. Thank you.

I would like to ask, in answering this question, I would like to ask, in view of the statement of Mr. Arens on the nature of the investigation, I would like to ask under what resolution of the House the committee is taking up these matters.

Mr. DOYLE. Under Public Law 601, with which your counsel has been perfectly familiar for several years.

As long as you ask that question—at the suggestion of your counsel, manifestly—your counsel is perfectly familiar with the law under which we are acting, and I hope you do not deliberately and unnecessarily take the time of the committee, and of yourselves, to ask these questions, the answers to which you already know, because we are prepared to stay here as long as you are.

Mr. BOUDIN. Mr. Chairman, the answer is not known to counsel, of the resolution under which the committee is considering these matters.

Mr. DOYLE. You know we are proceeding under Public Law 601.

Mr. BOUDIN. I did not know what you are proceeding under. The Supreme Court said that authority is not sufficient. The witness was asking you, since the Watkins' decision, whether the committee has a resolution—

Mr. DOYLE. The Supreme Court, Mr. Boudin—and I am not going to argue—did not say that law is not sufficient for this investigation.

Mr. BOUDIN. I am sorry, but the Supreme Court said exactly that.

Mr. DOYLE. The Supreme Court set up certain guideposts, and we are following those guideposts.

Mr. BOUDIN. They said that the resolution is too vague.

Mr. ARENS. Mr. Boudin—

Mr. BOUDIN. Excuse me. When I am talking to the chairman, if the chairman does not want to talk to me why doesn't he say so? I don't have to talk to the director when I am talking to the chairman.

Mr. DOYLE. Proceed, Mr. Witness.

Mr. ARENS. Would you kindly answer the question?

(Witness conferred with his counsel.)

Mr. GRUMMAN. I must continue to refuse to answer the question on the grounds that I have already stated, and those other grounds incorporated in the written statement which the committee has read.

Mr. ARENS. Let the record be clear on this point, if you please, Mr. Grumman:

Are you in your response invoking that part of the fifth amendment which protects the witness against self-incrimination?

Mr. GRUMMAN. I am invoking only those things which I have read.

Mr. ARENS. Kindly answer that question, so this record may be absolutely clear. Are you invoking that part of the fifth amendment to the Constitution of the United States which protects a witness against self-incrimination?

(Counsel conferred with the witness.)

Mr. GRUMMAN. In response to that question I am invoking only that part of the fifth amendment which relates to due process; I am not invoking that part which goes to the question of having to bear witness against one's self.

Mr. ARENS. Thank you, sir.

Mr. BOUDIN. Though I certainly believe any witness is entitled to it, if he wishes to do so.

Mr. ARENS. Mr. Grumman, so that this record will not reflect, or so that no one in his right mind could possibly conclude that the purpose of your appearance here is to expose you just for the sake of exposure, may I ask you: Do you have information at the present time respecting Communists who are now in the vital communications industry?

(Witness conferred with his counsel.)

Mr. GRUMMAN. I have to refuse to answer that question on the same grounds as I said before.

Mr. ARENS. Do you have information now, Mr. Grumman—and I ask this question so that no one in his right mind can conclude that the purpose of your appearance here is exposure for the sake of exposure—Do you have information with respect to Communists in the American Communications Association?

Mr. GRUMMAN. The answer is the same as before, and on the same grounds.

Mr. ARENS. Now, Mr. Grumman—

Mr. SCHERER. Wait a minute.

I ask that you direct the witness to answer that question, Mr. Chairman. You have to have a direction.

Mr. DOYLE. Very well.

You understand the question, Witness? And you answered it the way you intended to do?

I now direct and instruct you to answer that last question.

(Witness conferred with his counsel.)

Mr. SCHERER. I think the record should reflect that we do not accept his answer nor the reasons given for refusing to answer the question.

Mr. GRUMMAN. I decline to answer the question on the same

grounds as before, but I would like to, in view of that question, to——

(Counsel conferred with the witness.)

Mr. BOUDIN. I think that is a complete answer.

Mr. ARENS. Now, Mr. Grumman, I say to you that the committee has not caused your appearance here today for the purpose of just exposing you, as such. We honestly feel that if you would testify you could tell this committee as did Mr. Mignon yesterday, about directives, policies, activities of the Communist Party, directed toward the communications industry, and that with that information this Committee on Un-American Activities would be enabled to formulate legislation to attempt to meet a situation in which a vital communications industry is potentially endangered by Communists.

Therefore, I now ask you, Mr. Grumman: Do you have information respecting any directives by the Communist Party to Communists, for the purpose of causing confidential, security-restricted messages to be intercepted in the communications facilities of this Nation?

(Witness conferred with his counsel.)

Mr. GRUMMAN. I think that at this point I ought to make myself clear.

I have no knowledge or information whatever of anybody who does or wants to conduct sabotage or espionage or illegal interceptions, and so forth——

Mr. ARENS. Now, Mr. Grumman——

Mr. BOUDIN. The witness hasn't finished yet.

Mr. ARENS. I beg your pardon, Mr. Boudin.

Mr. GRUMMAN. Or any directives from anyone at all to do this kind of thing.

Mr. ARENS. Do you have information, Mr. Grumman, respecting any activities, directives, objectives of the Communist Party to obtain control of a labor organization operating in the vital field of communications?

(Witness conferred with his counsel.)

Mr. GRUMMAN. Frankly, I never heard of any directions or actions by anybody to control our union. Our union is controlled by its members, and that is it. There is no other control.

Mr. ARENS. Do you know of Communists presently in the vital communications industry of this Nation?

(Witness conferred with his counsel.)

Mr. GRUMMAN. It seems to me that is the original question in a little different form, and the answer would be the same, sir.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. SCHERER. I think there should be a direction to answer your last question. There is no direction. I will ask the chairman to direct the witness to answer the question, after I make the statement that the committee does not accept his answer and the reasons given for refusing to answer the question, and now I ask the chairman to direct the witness to answer the question.

(Witness conferred with his counsel.)

Mr. DOYLE. I will, as soon as the witness has completed conferring with his counsel.

Do you understand the last question, Witness, Mr. Grumman?

Mr. BOUDIN. Yes.

Mr. GRUMMAN. The last question.

Mr. DOYLE. And your answer? I now direct you to answer that last question. I am not satisfied we can accept your answer as sufficient.

(Witness conferred with his counsel.)

Mr. GRUMMAN. The answer is the same, on the grounds that I have already stated, that are included in the statement which the committee has refused to accept, and I would now ask that the committee accept the full statement for the record, which I have already offered.

(Counsel conferred with the witness.)

Mr. SCHERER. Mr. Chairman, I move—

Mr. DOYLE. Just a minute. May I inquire as to the witness' answer to my direction, please? That he answer the question.

(The record was read by the reporter.)

Mr. SCHERER. Now, Mr. Chairman, I move that the witness' entire statement which he submitted to the committee be made a part of the record, word for word.

Mr. BOUDIN. I now hand Mr. Arens a copy of the statement [handing].

Mr. GRUMMAN. Would you permit me to initial it, to identify it?

Mr. ARENS. Initial it on the margin of each page.

(Mr. Grumman complies.)

Mr. ARENS. You probably have a copy of this, don't you, Mr. Boudin?

Mr. BOUDIN. No; I am sorry, but I don't.

Mr. DOYLE. I think, Mr. Scherer, that that motion should include in the text that we file it and include it in the record without waiving rule IX.

Mr. SCHERER. That is assumed in my motion.

Mr. BOUDIN. I take it this will appear in the transcript, Mr. Doyle?

Mr. ARENS. Yes.

Mr. BOUDIN. Am I correct?

Mr. ARENS. Yes.

Mr. DOYLE. I will make that order; that it be filed with the committee and included with the testimony.

Mr. SCHERER. And made a part of the record.

Mr. DOYLE. But without any expressed or implied intention to waive in whole or in part any of the rules of the committee, especially with reference to rule IX of our printed rules.

STATEMENT BEFORE HOUSE COMMITTEE, JULY 18, 1957 (SUBMITTED BY
FRANK GRUMMAN)

I have conferred with counsel, in the light of the decisions of the United States Supreme Court in the Watkins and Sweezy cases. I am advised by counsel that the powers of this committee are strictly limited, especially when the committee seeks to compel a witness to testify "about his beliefs, expressions or associations." Such questioning, said the Court, constitutes governmental interference with free speech, press and assembly. The court further pointed out that a committee may not call witnesses just to expose or punish them but only for a necessary legislative purpose. So, said the Court, the protected freedoms of free speech and assembly "should not be placed in danger in the absence of a clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need."

And further the Court said, "We start with several basic premises on which there is general agreement. The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses

inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social economic or political system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste."

"But, broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress. This was freely conceded by the Solicitor General in his argument of this case. Nor is the Congress a law enforcement or trial agency. These are functions of the Executive and Judicial departments of Government. No inquiry is an end in itself: it must be related to and in furtherance of a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible."

Further in the same decision, the Court said, "Kilbourn v. Thompson teaches that such an investigation into individual affairs is invalid if unrelated to any legislative purpose. That is beyond the powers conferred upon the Congress in the Constitution. United States v. Rumely makes it plain that the mere semblance of legislative purpose would not justify an inquiry in the face of the Bill of Rights. The critical element is the existence of, and the weight to be ascribed to, the interest of the Congress in demanding disclosures from an unwilling witness. We cannot simply assume, however, that every Congressional investigation is justified by a public need that overbalances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy nor abridge his liberty of speech, press, religion, or assembly."

The sub-committee asserts that it has been authorized by the committee to conduct this investigation. But that does not meet the test laid down by the Supreme Court—namely, that the House of Representatives make such an authorization. So far as I know, the House has never authorized this investigation either before or after House Resolution 5 was declared by the Supreme Court in the Watkins case to be unconstitutionally vague.

Now, as to the question of security in the communications industry:

Some of the communications monopolies have attempted to make my organization and its members targets of special repressive legislation. They point to the nature of the industry and its importance in the national defense.

The fact is that special legislation has existed for many years to protect the national interests in the communications industry. The Federal Communications Act of 1934 makes it a criminal offense for anyone to divulge the contents of a telegraph or cable message, or to commit sabotage. Severe penalties are provided for acts in violation of this law, and yet there is no record of any member of my organization or any other union in this industry, so far as I know, having been charged with, let alone convicted, of violation of the law.

As to the record of my organization in the fight for the national interest, we are ready and willing and anxious to match it with any group of employers, government agencies, or anyone else. In war or peace there is no group of employees in the United States, and no group of any kind, with a better record of devotion to the interests of our country. In fire, flood or disaster on land or sea, members of our Union have written an heroic record. This has been attested to by many people in high places over the years.

During World War II our union proposed, and the Government adopted, the American Communications Association Safety and Anti-Espionage Plan to guarantee safety of communications and convoys at sea. Commander E. N. Webster (once a commissioner in the FCC) speaking for the Commandant of the Coast Guard, said of ACA with respect to this plan: "The thorough study made by the ACA of the complex problem of providing, in time of war, greater protection of life and property at sea is most commendable and the suggestions of the union have guided the various Government agencies in providing those vitally needed protective measures."

General Dwight D. Eisenhower, in response to a no-strike pledge of our union during the War, spoke as follows: "All ranks of the Allied forces are deeply grateful for your pledge of continued cooperation. We fully appreciate the vital part played by all groups affording communications."

We could quote dozens of other distinguished Americans and newspapers in a similar vein.

In peacetime, similarly, ACA has not only fought in the interests of its members as part of the general national public interest, but has been an effective and sometimes the only voice against attempts of the telegraph communications monopoly to impose higher rates and to curtail service to thousands of communities.

Similarly, we are engaged in a continuing struggle to defeat the current attempts to secure a merger of international communications by creation of a monopoly; the chief advocate of such merger being Admiral Ellery Stone of AC&R. Our opposition to this is based on our conviction that the national defense, the general public interest and the interest of the employees would be adversely affected by the creation of such a monopoly.

In the light of our record of steadily raising the average wages of telegraph workers for the past 20 years, securing paid vacations, improved pensions, higher sick benefits, night differentials, daily overtime and other premium pay, and job security, it is not surprising that the corporations in this industry initiate and support legislation designed to destroy our union and all other labor unions which serve the interests of the American working people.

Finally, because there has been reference in these hearings to the possibility or potentiality of espionage or sabotage in this industry, I wish to make it clear that I have never heard of any worker, in any section of the industry, being engaged in or even charged with, let alone indicted or convicted on a charge of espionage or sabotage.

And so, with all respect to this committee, acting on the advice of counsel, I shall decline to answer questions concerning my beliefs, expressions or associations on the ground that such questioning constitutes an interference with my rights under the first amendment to the Constitution and that such questioning is beyond the jurisdiction of the committee. The enabling resolution itself is an unlawful delegation of power to the committee. Moreover, I do not believe that any such questioning can be pertinent to any legitimate inquiry by the committee under its enabling resolution.

Mr. DOYLE. Now, have you any questions of the witness, Judge Frazier?

Mr. FRAZIER. I have no questions.

Mr. Scherer?

Mr. SCHERER. No.

I have a motion to make. Is the witness excused?

Mr. ARENS. I have no further questions.

(Representatives Doyle, Frazier, and Scherer and Messrs. Arens and Tavenner, conferred.)

Mr. DOYLE. Witness and witness' counsel, I am calling your attention to the fact that a few minutes ago I believe I quoted verbatim the testimony of Mr. Mignon.

You are acquainted with him, are you? You know who he is?

Mr. GRUMMAN. I have certainly met Mr. Mignon.

Mr. DOYLE. Certainly met him. Well, he said he met you.

Now on yesterday he, a former admitted Communist for several years, in the same union of which you are now secretary-treasurer, and at least you were at least one-term president, according to your own testimony, voluntarily named a number of the officers of that union before this committee, and he named you, Frank Grumman, secretary-treasurer of ACA Local 10.

Mr. FRAZIER. As a member of the Communist Party.

Mr. DOYLE. As a member of the Communist Party when he was in the Communist Party, he said, with you, and in Local 10. He said that he sat in closed Communist cell meetings with you.

Now I will ask you whether or not he was telling the truth or was he telling a falsehood?

Mr. GRUMMAN. I decline to answer that question, sir, on the same grounds as previously set forth in the statement.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I direct you to answer the question. It is certainly pertinent. The testimony of Mr. Mignon and others has already shown before this committee that the union was at that time controlled by the principal officers, by identified Communists, in control of the policies of the union of which you are now a member, and secretary-treasurer, in the field of international cable communications, which is certainly an area involving the security of our Nation.

I direct you to answer the question.

Mr. GRUMMAN. Sir, I decline to answer the question on the grounds of lack of committee jurisdiction, under the Watkins' decision, and on the grounds of lack of pertinency.

Mr. DOYLE. Now, one further question:

Mr. Mignon testified yesterday that in his judgment, it was entirely possible for those in control of our international cables, to in time of emergency, within a very, very short period of time, take such action and sabotage as would incur very dangerous effects to the security of our Nation. What is your opinion in that connection? You have had 25 years with RCA as a cable, international cable operator, part of the time, according to your testimony.

Mr. GRUMMAN. Sir, I just don't believe that anybody employed in the international communications would sabotage the system, under any conditions.

Mr. DOYLE. I didn't ask you that question. I asked you whether or not it was possible for it to be done. I did not ask you whether or not anyone would do it. He said members of the Communist Party were taught that that was what they were to do. Was he telling the truth or not?

(Counsel conferred with the witness.)

Mr. GRUMMAN. I have already stated that I never heard of any such directives from anybody concerning—

Mr. DOYLE. I am not asking you that question. I am asking you whether or not it would be possible for an operator of international cable transmission to sabotage the international cable facilities if they so desired, in the early stages of a national emergency.

Mr. GRUMMAN. I think it would be extremely difficult, if you are taking it strictly as a technical question, as to the possibility. I think it would be extremely difficult. It is very hard for me to conceive that it could be done.

Mr. DOYLE. Well, it would be possible, would it? It might be difficult but it would be possible?

(Counsel conferred with the witness.)

Mr. GRUMMAN. Well, sir, just going—

Mr. SCHERER. Now, Mr. Boudin, he is the expert. I don't see how you can advise him on that question.

Mr. BOUDIN. I can advise him on the law.

Mr. SCHERER. On the law, yes.

Mr. BOUDIN. And I am advising him on the law.

Do you want my advice stated openly on the record?

Mr. SCHERER. No.

Mr. DOYLE. No. We are not interested.

Mr. BOUDIN. Then I suggest Mr. Scherer address his questions to the chairman and not to me, if he doesn't want me to answer them.

Mr. DOYLE. You understand my question. You said it would be difficult. Mr. Mignon said it would be possible. Now, in your judgment, would it be possible or not?

Mr. GRUMMAN. Possibly, to only a minor degree, a very small degree, and, in my opinion, impossible to get away with.

Mr. ARENS. Would it be possible for persons who were disposed to do so, to intercept messages?

Mr. GRUMMAN. Well, any man who is handling a message, I suppose, might have a memory for it and hold it, though that seems incredible to me. As an operator I have handled thousands and thousands of messages in the years that I worked, and I don't remember for 10 minutes.

Mr. ARENS. During the time you handled these thousands and thousands of messages, was there any time during which you were under the discipline of the Communist Party?

Mr. GRUMMAN. That is the same question again. I decline to answer it on the grounds already given.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that he be now directed and ordered to answer that question.

Mr. DOYLE. I direct you to answer that question. I believe it is entirely pertinent, in view of the testimony of other witnesses, at least one other witness, to date, that you were a member of the Communist Party, and that it is established that it is a conspiracy instead of a political party.

Mr. GRUMMAN. I decline to answer the question, sir, for the reasons I already set forth.

Mr. SCHERER. One question.

Now, Mr. Doyle asked whether it would be possible for one individual to sabotage the communications system of this country, over which the Government directives were carried. I am going to ask you whether it would be possible for 4 or 5 individuals, properly placed, who were members of the Communist conspiracy, and who decided to do so, to sabotage our communications system.

Mr. GRUMMAN. Sir, if you mean is it possible for one person to sabotage the system. I think the answer is obviously "No." I don't believe it would be just possible.

Mr. SCHERER. I think you understood my question, but in case you didn't, I said Mr. Doyle's question was whether one person, if he were so inclined, could sabotage the communications system or any part of it, over which directives of this Government were carried.

My question is whether in your opinion it is not possible for 3 or 4 individuals, acting together and properly placed, to sabotage our communications system, or part of it, over which directives of this Government are carried?

Mr. GRUMMAN. Well, I think—

Mr. SCHERER. I notice that you carefully answered that it would almost be impossible for one?

Mr. GRUMMAN. Well, I think the impossibility is still there for a small number, such as you state. This kind of a system—I think the answer for that really ought to come from some engineer who understands layout, and so on, because you go beyond the possibility of the people who operate and normally work in these communications companies, and would go to some incredible knowledge of lay-

out of wires, and so on, and even then it would be difficult to do anything that would be prepared in very short order.

Mr. ARENS. Mr. Chairman, I have still another question I should like to ask. It is the same question I have heretofore asked. I ask it now for a different purpose, and I want to explain the purpose to the witness.

Mr. DOYLE. Very well.

Mr. ARENS. Mr. Witness, we have had an abundance of testimony under oath to the effect that Communists cannot be believed before congressional committees or otherwise; that they are inveterate liars.

Now, for the purpose of testing the credibility of the testimony that you have given to this committee today, I want to ask you now—and that is the purpose of this question, to test your credibility—Are you now a Communist?

Mr. GRUMMAN. The answer is still the same as before.

Mr. ARENS. Now, Mr. Chairman, the pertinency of that question, I believe, has already been explained. It is pertinent to the whole testimony of this witness here today, to determine whether or not he has been truthful; because, if he is a Communist, if he is under Communist discipline, then this committee is justified, on the basis of an abundance of testimony, in disbelieving him; on the other hand, if he is not a Communist, we ought to know that, because we can give some degree of verity and authenticity to his statement.

I, therefore, respectfully suggest that the witness now be directed and ordered to answer the question as to whether or not he is now a Communist.

Mr. DOYLE. I direct you to answer the question, Witness.

(Counsel conferred with the witness.)

Mr. GRUMMAN. I decline, for all the reasons I have stated orally and in writing, before.

Mr. DOYLE. Very well.

I have one more question:

I made a note as you testified, that you were trained in international Morse code transmitting that code into messages, and that you handled whatever Government circuit was assigned to you. I think that is the substance of one part of the testimony.

Mr. GRUMMAN. With one variation, sir. I don't recall ever working in a Government circuit, as such. I think there are none, as I know of. You take whatever comes over a particular connection, is what I mean.

Mr. DOYLE. I just made a quick note, and I could very well have made a mistake in what I heard.

But now, the Government circuits—you know what they are—that are handled through the organization which employed you—what international cables, what departments of Government carry those cables?

Mr. GRUMMAN. I have practically no knowledge on that line, sir. I work on regular circuits. I take whatever traffic comes over. The only thing I could say in that connection is that the proportion of Government traffic on private or commercial lines is extremely small these days. Most of it is handled over the Government's own lines. We receive very little.

Mr. DOYLE. Leased lines?

Mr. GRUMMAN. That stuff we do handle, sir, is promptly and immediately turned over to a foreign national at the other end of the wire. That is what we have to do—that is what our job is.

Mr. DOYLE. The testimony by one of the vice presidents of one of the organizations of which you are employed, yesterday, and one of the technicians, as I recall it, was that the international Atlantic cables carried messages from the State Department, the Army, the Navy, the Air Force, and the National Security Agency.

Mr. GRUMMAN. Honestly, in my recent knowledge, going to the period, you know, the last few years, I believe that the State Department itself would probably be the biggest traffic filer, that is, actual messages handled. As to other messages, offhand I wouldn't know.

Mr. DOYLE. Of course, obviously, any message from the State Department to any of our allies, even in times of peace, is a very important message, isn't it?

Mr. GRUMMAN. Well, I would presume so, sir.

Mr. DOYLE. And it should not fall into the hands of any person transmitting it who might, for any design or purpose, loyalty or disloyalty or otherwise, have anything to do in the form of what might be sabotage?

Mr. GRUMMAN. In the——

Mr. DOYLE. Are there any other questions?

Mr. GRUMMAN. Could I just say something on that? I think it is quite important myself.

Mr. DOYLE. Yes, indeed.

Mr. GRUMMAN. As to the handling on the State Department traffic, which in my personal experience is only very occasional, the State Department stuff, if they consider it the least bit important, is what is called scrambled. The tape is really unreadable. In many cases a green operator will stop his circuit when one comes in there, because he thinks the circuit is going out of whack.

You have to check the head of the message to find out.

Mr. ARENS. Have you reported the message, the example of which you have just given the chairman, to a person known by you to have been a member of the Communist Party?

Mr. GRUMMAN. I haven't reported this message to anybody.

Mr. ARENS. Does any person, to your knowledge, that is a Communist, have access to this information that you have just related to the chairman?

(Witness conferred with his counsel.)

Mr. GRUMMAN. Well, everybody who works on that operating floor knows all about this. I mean the guys who work there know this and they handle it. There is nothing they can do with it.

Mr. DOYLE. May I ask this question? I wish to ask you this question dealing with the status of the union of which you are a member:

I believe some years ago it was expelled, was it not, from the CIO on account of a claimed domination, claimed by CIO, by the Communist Party, or am I in error? Am I correct?

Mr. GRUMMAN. The union was expelled by the CIO, and I believe the claim is as you have stated it, and we certainly don't believe that was the basis.

Mr. DOYLE. Has your union ever made an application for reinstatement in CIO, having changed the conditions of the union, so far as the alleged Communist control is concerned, in the meantime?

Mr. GRUMMAN. Well, I am a little confused by your question, sir. I would say that we have never, as far as I know, we have never applied for reinstatement. I don't know of any such.

Mr. DOYLE. You were expelled in what year?

Mr. GRUMMAN. Well, I would say it was 1950. I am not 100 percent sure in my own mind at this point.

Mr. DOYLE. Is there any other question?

Thank you, Witness and Counsel.

Mr. SCHERER. Now, Mr. Chairman, I have a motion that I would like to make.

Mr. FRAZIER. Hold it to later.

Mr. DOYLE. It has been an hour and 15 minutes.

Mr. BOUDIN. You realize it would have been 5 minutes if the witness had read the statement at the beginning, exactly 5.

(Representatives Doyle, Frazier, and Scherer, and Messrs. Arens and Tavenner, conferred.)

Mr. SCHERER. Mr. Chairman, I move that this subcommittee recommend to the full committee of the House Committee on Un-American Activities that the last witness, Frank Grumman, be cited for contempt of Congress.

Mr. DOYLE. The motion is made and seconded.

Before I put the motion I wish to say that this motion was made by Mr. Scherer at the consultation right here subsequent to the closing of the testimony by the witness. Our two committee legal counsel are present with us and have been present throughout the hearing of this witness. The committee sincerely feels that this is a good case of contempt of a congressional committee, even under the Watkins' decision, or any other decision of the Supreme Court.

In stating that I felt it was a good case of contempt, I meant that it was a bad case of contempt, but it is a good case for us to carry to the High Court, if necessary.

All those in favor of Mr. Scherer's motion say "aye."

Mr. SCHERER. Aye.

Mr. FRAZIER. Aye.

Mr. DOYLE. Aye. It is voted unanimously and we will recommend it to the full committee at a later date.

Let the record show that all three members of the subcommittee were present at all times during the hearing of the witness and on vote on the recommendation of contempt.

Proceed, Counsel, please.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Antello Theodore Iannucci.

Would you kindly come forward, Mr. Iannucci? Please remain standing, Mr. Iannucci, while the chairman administers the oath to you.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God.

Mr. IANNUCCI. I do.

Mr. DOYLE. Thank you. Please take the witness chair, sir.

TESTIMONY OF ANTELLO THEODORE IANNUCCI

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. IANNUCCI. My name is Antello Theodore Iannucci. I reside at 25 Somerville Street, Rochelle Park, N. J. My occupation is operating technician.

Mr. ARENS. Where?

Mr. IANNUCCI. RCA Communications, Inc.

Mr. ARENS. Mr. Iannucci, would it be convenient for you to keep your voice up just a little bit, please? We are having difficulty in this room. The acoustics are not the best.

How long have you been employed as an operating technician at RCA?

Mr. IANNUCCI. Approximately 8 years.

Mr. ARENS. Give us a word, if you please, sir, in your own way, about your personal background prior to the time that you assumed your present position?

Mr. IANNUCCI. My background during the past 8 years?

Mr. ARENS. No; I mean your personal history. Where were you employed prior to the time that you were with RCA?

Mr. IANNUCCI. I have been employed with RCA for some 27 years; was employed at the age of 14, and it was with the exception of some very brief employment, practically the only place that I have been employed.

Mr. ARENS. Mr. Iannucci, have you ever been a member of the Communist Party?

Mr. IANNUCCI. Yes, sir; during 1938 and 1939 I was a member. I would like to be able to say at this time, if I may, that the record shows I was 22 years of age at the time on entering, that I entered out of an interest in unionism and nothing else, that I was never made aware of any illegal activities or that any were ever expected of me, and I would like the record to show that if any such expectations had been made of me that I certainly feel that I would not have associated myself with these people.

Mr. ARENS. How long were you a member of the Communist Party?

Mr. IANNUCCI. I would say approximately 2 years, from the beginning of 1938 to the end of 1939.

Mr. ARENS. What cell or group or unit of the Communist Party were you identified with?

Mr. IANNUCCI. Well, I don't recall any designation for it, sir.

Mr. ARENS. Were you identified, connected with an RCA cell?

Mr. IANNUCCI. Well, the bulk of the people who attended these meetings were employed by RCA Communications.

Mr. ARENS. During the course of your membership in the Communist Party, did you attend closed Communist Party meetings?

Mr. IANNUCCI. Yes, sir; I did.

Mr. ARENS. During the course of your attendance at these closed Communist Party meetings, did you acquire knowledge from personal experience in those meetings of the names and identity of other persons, who to a certainty were known by you to be Communists?

Mr. IANNUCCI. Yes, sir; I did.

Mr. ARENS. During the course of your membership in the Communist Party did you know as a Communist, a person by the name of Louis Stallone?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Would you give us a word of description or identification of Mr. Stallone?

Mr. IANNUCCI. Do you mean a physical description?

Mr. ARENS. No; from the standpoint of his activity, identification or affiliation within the communications industry.

Mr. IANNUCCI. Well, sir, he is presently employed at RCA Communications in New York, and he is an operating maintenance technician, which is a different classification than my own. He is an officer of the union.

Mr. ARENS. By "the union" you mean the American Communications Association?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Do you know where he is physically engaged in RCA as an operating technician?

Mr. IANNUCCI. Well, mainly he is located on the operating floor where the general commercial circuits are.

Mr. ARENS. Could you give us a word about the type of work he does as an operating technician?

Mr. IANNUCCI. He services various types of teletype equipment, to the best of my knowledge.

Mr. ARENS. Does he have access in the course of his work to messages that go over the lines or facilities of RCA?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Does he in his work, to your knowledge, have access to confidential, restricted, or security messages processed by RCA facilities?

Mr. IANNUCCI. Well, sir, I wouldn't know anything about the classification of the messages.

Mr. ARENS. Do classified messages go over the type of facilities which he services?

Mr. IANNUCCI. I really can't say what type of messages they are. I know they are Government messages that do go over the facilities.

Mr. ARENS. Does he have access to Government messages?

Mr. IANNUCCI. Yes, sir. The facilities do carry Government messages.

Mr. ARENS. What is the size, description, or nature of the machinery on which he actually works?

Mr. IANNUCCI. Well, mainly they are teletype machines and auxiliary teletype equipment. I believe you are familiar with the approximate description of a teletype machine.

Mr. ARENS. How many such machines are there in the physical plant at which he is engaged; approximately?

Mr. IANNUCCI. Well, it would be several hundred.

Mr. ARENS. Does he likewise have access, to your knowledge, to any of the overseas facilities—facilities for transmission of messages overseas?

Mr. IANNUCCI. Yes, sir. This equipment is employed on these circuits which are used overseas.

Mr. ARENS. Did you, in the course of your membership in the Communist Party, know as a Communist a person by the name of Howard Vincent Troutman, T-r-o-u-t-m-a-n?

Mr. IANNUCCI. I believe it is T-r-a-u-t-m-a-n.

Mr. ARENS. T-r-a-u-t-m-a-n?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Could you give us a word of identification or description of him as you did with Mr. Stallone?

Mr. IANNUCCI. He is employed at RCA and has been for many years. He is an officer of the union.

Mr. ARENS. Where is he employed in RCA?

Mr. IANNUCCI. He is an operating technician, but he does not do operating technician's work.

Mr. ARENS. What type of work does he do?

Mr. IANNUCCI. Benchwork. He services different types of equipment.

Mr. ARENS. Does he service the equipment which transmits Government messages?

Mr. IANNUCCI. No; except he does service certain types of equipment that are used in this equipment; yes.

Mr. ARENS. Do you know whether or not the company, as a matter of company policy, has undertaken to preclude him from having access to certain types of messages?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. What has the company done along that line, and why did it do it?

Mr. IANNUCCI. He was precluded from entering the area where the operating technicians work.

Mr. ARENS. Why was that?

Mr. IANNUCCI. Well, for a specific reason. I really don't know.

Mr. ARENS. Did the company do it because they did not want him to have access to confidential or security information if they could help it?

Mr. IANNUCCI. Apparently so.

Mr. ARENS. Did you, in the course of your experience in the Communist Party, know as a Communist a person by the name of Michael Mignon?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. And you know, of course, that Mr. Mignon has cooperated with this committee, and, in the course of the last day or so, has given us very significant information?

Mr. IANNUCCI. Well, I heard it.

Mr. ARENS. I say that only for this purpose and reason: I did not want you to feel that Mr. Mignon was anything other than a cooperative witness.

Mr. IANNUCCI. Yes, sir; except I have not heard his testimony.

Mr. ARENS. I understand. Did you, in the course of your experience in the Communist Party, know as a Communist a person by the name of Frances Halpern?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Give us a word of description or characterization or identification of Frances Halpern, please.

Mr. IANNUCCI. She was employed in the union; that is, in Local 10, in the office.

Mr. ARENS. ACA?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Do you know whether or not she was likewise at any time employed in the communications facilities field itself?

Mr. IANNUCCI. No, sir; she was not.

Mr. ARENS. Did you, during the course of your experience in the Communist Party, know as a Communist a person by the name of Jewell Hobbs?

Mr. IANNUCCI. Yes, sir.

Mr. DOYLE. Counsel, may I make a standing order on these hearings to the reporter for the record? Where a witness is asked a question as to whether or not he knew any person as a member of the Communist Party and the witness says "No" or that he did not, we ask that the record be deleted as to that question and answer. We do not want the name of any person that is not a positively identified Communist to be given any publicity in our record. That may be a standing order.

Mr. ARENS. Can you kindly give us a word of description about Jewel Hobbs, with emphasis upon any activity that he may have had in the communication industry?

Mr. IANNUCCI. He was employed by RCA at the time that I attended these meetings, and later on he was employed at Mackay Radio, of the International Telephone & Telegraph Co.

Mr. ARENS. In what capacity, sir, if you know?

Mr. IANNUCCI. In both places, I believe, as a radiotelegraph operator.

Mr. ARENS. Does a radiotelegraph operator have access to confidential or security information or messages of the United States Government?

Mr. IANNUCCI. He has access to United States Government messages; yes, sir.

Mr. ARENS. How about security messages?

Mr. IANNUCCI. Well, sir, there, again, that is a classification that the Government would just designate, but does not make apparent to uninitiated people on the message itself. You see, we don't know what we are handling, actually.

Mr. ARENS. Did you know, in the course of your experience in the Communist Party, a person by the name of Reuben Kaplan?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Give us, if you please, sir, a characterization or description of Mr. Kaplan.

Mr. IANNUCCI. He was employed in RCA as a radiotelegraph operator some years ago, I think, up to World War II.

Mr. ARENS. Do you know where he is now?

Mr. IANNUCCI. No, sir; I do not.

Mr. ARENS. Did you know as a Communist a person by the name of Louis Jenkins?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. And can you tell us something about him?

Mr. IANNUCCI. He was and still is employed as a radiotelegraph operator.

Mr. ARENS. And where is he presently employed?

Mr. IANNUCCI. RCA Communications.

Mr. ARENS. In his function, activity, and availability to confidential messages about the same as the gentlemen, the persons whom you talked about a few moments ago?

Mr. IANNUCCI. Yes, sir.

Mr. ARENS. Is there any other person whom you know, presently in the communications industry, who to a certainty was known by you

to have been a member of the Communist Party during your career in the Communist Party?

Mr. IANNUCCI. No, sir; I don't believe.

Mr. ARENS. Mr. Chairman, I think also at this time the record should reflect that Mr. Iannucci was most reluctant to testify because of possible embarrassment to himself and we on the staff want on this public record, to extend our congratulations to Mr. Iannucci, and our thanks to him for the service he has rendered to the staff and to the committee, both in staff consultations and in this public proceeding.

Mr. DOYLE. Judge Frazier, do you have any questions or statements?

Mr. FRAZIER. No questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. No.

Mr. DOYLE. On behalf of the committee, Mr. Iannucci, I want to supplement the statement of our director and say this: that I think every member of this committee realizes it is not exactly an easy thing for a former Communist to come forward and testify, not only as to his former membership in the party, but as to those he could positively identify in the Communist Party at the time he was a member.

I have often said that I can understand how many loyal people, loyal to the United States, might have joined the Communist Party in 1936, 1937, 1938, 1940, even some later than that, in connection with their work or employment or otherwise, or there was a philosophical reason. But I do not understand how any person who claims to be a patriotic American citizen today can stay in the Communist Party subsequent to 1945, when Earl Browder was kicked out of command of the Communist Party in this country, because by that act, every American citizen was given notice that it was a showdown between the two systems, our system of constitutional liberties and the Soviet system.

And furthermore, I do not understand, I wish to say again in the presence of you, Mr. Witness, and some of the people who have not as yet been witnesses but will, why it is that any patriotic American citizen cannot come forward before any congressional committee, if he was a Communist many years ago, and say so, and then help Congress to get at the problem, the basic problem of legislation in the field of the Communist conspiracy.

I do not understand how a person can claim to be 100 percent American and refuse to come in and say: "Sure I was, but I got out, and I am no longer, and here is what I know about the operations of the Communist Party."

Congress is involved in a sincere, diligent study of this problem in the field of legislation, and I would think that the United States Congress in its work is more important than a membership in the Communist Party, not going into the field of beliefs, or freedom of thought or any of those philosophical problems or freedoms guaranteed by the Bill of Rights, but in the area of the operations of the Communist Party, which we know to be still part of the cold war against the United States of America and our constitutional form of government.

So we thank you, and we thank the others, and hope the time will come when the leaders of this particular union, which some years ago was evidently controlled by the Communist Party, will be qualified to

take steps and have some desire to make a reapplication to CIO-AFL and see if they can get on a level with those other unions which are not afraid of the Communist conspiracy.

Mr. ARENS. Mr. Chairman, may I say that we have a number of witnesses yet to be heard, but I understand it is the pleasure of the committee to recess now.

When would you like to reconvene, or do you think you will be able to reconvene this afternoon?

Mr. DOYLE. I regret to state that the committee will have to recess until tomorrow at 10 o'clock because a very important bill will be in a debate on the floor of the House for 3 days and will be in debate today.

Mr. BOUDIN. May I be heard, Mr. Chairman?

(Discussion off the record not included by direction of the chairman of the subcommittee.)

Mr. DOYLE. We will adjourn, gentlemen, until 10 o'clock tomorrow morning.

(Whereupon, at 11:55 a. m. Thursday, July 18, the subcommittee recessed until 10 a. m., Friday, July 19, 1957.)

INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 1

FRIDAY, JULY 19, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE OF UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The subcommittee met, pursuant to recess, at 10:15 a. m., in the caucus room, Old House Office Building, Washington, D. C., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representative Clyde Doyle, of California (presiding), and James B. Frazier, Jr., of Tennessee.

Staff members present: Richard Arens, director, and W. Jackson Jones, and Louis J. Russell, investigators.

Mr. DOYLE. The subcommittee will please come to order.

Are you ready Mr. Arens?

Mr. ARENS. Yes, sir.

The first witness, if you please, Mr. Chairman, will be Mr. M. A. Solga.

Mr. DOYLE. May the record show, please, that Judge Frazier, of Tennessee, and Doyle, of California, are both present, therefore, a legal quorum of the subcommittee of three is present to proceed.

Mr. ARENS. Mr. Solga, would you kindly come forward, please? Remain standing while the chairman administers the oath to you.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOLGA. I do.

Mr. DOYLE. Please take the witness chair.

TESTIMONY OF MARK ANTHONY SOLGA

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SOLGA. My name is Mark Anthony Solga, 425 Myrtle Avenue, Scotch Plains, N. J. I am presently employed at RCA Communications, and have been employed for the past 28 years.

Mr. DOYLE. How do you spell your last name, please?

Mr. SOLGA. S-o-l-g-a.

Mr. DOYLE. Thank you.

Mr. ARENS. Mr. Solga, in what capacity are you employed at RCA Communications?

Mr. SOLGA. For the past 20 years I have been employed as a radio operator.

Mr. ARENS. Can you give us just a thumbnail sketch of the duties and functions of a radio operator in the status that you have at the present time?

Mr. SOLGA. Presently there are various forms of communications that we are permitted to work within. One deals with foreign communications coming from all over the world, which involves Government traffic as well as normal commercial traffic, as well as direct communications with Washington and special tape service that we have going overseas from some of our Government agencies to overseas.

Mr. ARENS. Would it be convenient for you to keep your voice up, Mr. Solga?

Mr. SOLGA, do you as a radio operator employed at RCA have access to confidential or restricted Government messages that are processed by RCA?

Mr. SOLGA. We do handle governmental traffic but it is difficult to determine whether the information is classified or of a secret nature. However, we have to assume that merely the fact that it is a Government message, it has to be treated with the utmost secrecy and confidence.

Mr. ARENS. Are RCA facilities used to transmit messages to and from the various Army establishments overseas, and by "Army" I mean the United States Army.

Mr. SOLGA. Yes, they are. When the facilities sometimes within the Pentagon are not in order, many many times, because of a breakdown within their own sources, they are compelled to transmit via the services of RCA Communications.

Mr. ARENS. Mr. Solga, have you ever been a Communist?

Mr. SOLGA. I have been, sir.

Mr. ARENS. Give us a thumbnail sketch for the purpose of this record, of your career in the Communist Party.

Mr. SOLGA. In 1938, for a period of 5 or 6 months, I was a member of the Communist Party. During that period—that was during the period when we were anti-Nazi and anti-Fascist, and it was during the trying period, and I felt that at that particular time that it seemed to offer a reasonable solution.

However, it didn't take too long to determine that what I had assumed, was just a form of misconception on my own part.

Mr. ARENS. Mr. Solga, during your brief active membership in the Communist Party, did you have occasion to ascertain the importance of the communications industry to the Communist Party?

Mr. SOLGA. I did have a vague knowledge, but I have since begun to realize that it has taken on much greater importance than what I originally realized.

Mr. ARENS. How significant is the communications industry of this Nation to the national security?

Mr. SOLGA. Well, during any potential difficulties that might arise because of international conflict the attempt normally is to utilize means of communication or to stop their normal overflow of traffic of an emergency nature, involving Government security.

Mr. ARENS. Mr. Solga, on this record thus far a number of persons have been identified as persons known to have been Communists. Assuming for the sake of this question that these persons are presently engaged in the communications industry, and are presently Com-

manists, on the basis of your background and experience, could you tell us, in your judgment, does that constitute a serious menace to the security of this Nation?

Mr. SOLGA. Potentially, I honestly believe that it does. In the event of any further conflict between the East and West, as that tension increases during the so-called cold war, if it should ultimately develop to a stage where it becomes rather hot, then I do honestly believe they are in a potentially dangerous position to inflict harm on our national security.

Mr. ARENS. Mr. Solga, in pursuit of that judgment of years, I should like to ask you:

Are confidential security messages of this Government, which are processed by your company, RCA, or the company by which you are employed, transcribed as they are sent on to a tape?

Mr. SOLGA. Yes; that is one of the processes.

Mr. ARENS. Is that tape available to radio operators engaged in RCA?

Mr. SOLGA. Yes; that tape is potentially possible to be had by anyone within RCA.

Mr. ARENS. Could you as a radio operator, pick up that tape containing the confidential Government security messages, and remove that tape from the premises?

Mr. SOLGA. Yes, sir.

Mr. ARENS. Would that action by yourself be easily detectable?

Mr. SOLGA. It could potentially be done. It would have to be done with a little bit of discretion, I presume. However, the availability, I believe, is there, to permit such action, if that occasion should arise.

Mr. ARENS. Assuming that you were still active in the Communist Party, and under Communist Party discipline as a radio operator, could you, in the normal course of your work there, copy the confidential messages of the United States Government and slip the copy into your pocket and walk out?

Mr. SOLGA. Yes, sir. It is possible to make a monitor copy of a tape which is being relayed to Washington, and to slip a copy of that paper within your own person.

Mr. ARENS. Now, this is not just the ordinary message; this is the secret confidential message, is it not, that you are talking about, as well as other messages?

Mr. SOLGA. As well as other messages; that is correct, sir.

Mr. ARENS. Mr. Solga, I don't want you, as an experienced communications man, to give too much detail, for obvious reasons, on a public record, as to how the facilities could be sabotaged, in the event that a Communist or one under Communist discipline were disposed to do so, but, on the basis of your background and experience, could you tell this subcommittee whether or not the communications facilities of RCA could be put out of commission with reasonable ease by a Communist, in the event of a national emergency?

Mr. SOLGA. Frankly, I can't tell you that. I couldn't tell you whether they would be in a position to put out of commission the communications. However, I can say it is potentially possible to affect communications messages involving our security, which would not necessarily affect the entire status of communications. In other words, it would merely be a strategic attempt on a certain phase of development, rather than an overall attempt.

Mr. ARENS. I should like to ask you, during the course of your experience in the Communist Party, did you come to know as Communists certain other persons?

Mr. SOLGA. Yes, sir.

Mr. ARENS. Did you serve in closed Communist Party meetings with certain other persons, as Communists?

Mr. SOLGA. I did, sir.

Mr. ARENS. During the course of your membership in the Communist Party did you know as a Communist a person by the name of Louis J. Stallone?

Mr. SOLGA. I did, sir.

Mr. ARENS. Did you know—

Mr. DOYLE. May I ask this, Mr. Arens, in laying a foundation, may it be understood by the witness and counsel that these names that will be read to you by our director, if you identify them as known to you as Communists, during the time you were in the Communist Party, the reason that you knew them as Communists was that you sat in closed Communist Party meetings with them—

Mr. SOLGA. That is correct, sir.

Mr. DOYLE (continuing). At closed meetings—

Mr. SOLGA. Yes.

Mr. DOYLE (continuing). Of the Communist Party, known to you to be closed meetings of the Communist Party?

Mr. SOLGA. That is correct, sir.

Mr. ARENS. Did you know as a Communist a person by the name of Howard Vincent Trautman?

Mr. SOLGA. I did, sir.

Mr. ARENS. I should ask you, and I beg your pardon for not doing so, in what type of work was Mr. Louis J. Stallone engaged, whom you have already identified?

Mr. SOLGA. For a number of years he was classified as a radio operator; since that time I believe he was placed in another department involving the servicing of equipment on the general operations floor.

Mr. ARENS. Where?

Mr. SOLGA. In RCA Communications.

Mr. ARENS. Does he have access to these messages which we have been talking about?

Mr. SOLGA. He doesn't—he is within the range of having access, but specifically the nature of his work involves the servicing of equipment on which messages are processed.

Mr. ARENS. Can he monitor secret messages of the Government?

Mr. SOLGA. I don't know whether his classification permits him to do that without being made aware of—

Mr. ARENS. Does he service the machines on which secret messages of this Government are transmitted?

Mr. SOLGA. Yes, sir.

Mr. ARENS. Now, I believe this record is correct, that you have identified Howard Vincent Trautman as a person known by you to have been a Communist?

Mr. SOLGA. That is correct.

Mr. ARENS. Give us just a word of description of Mr. Trautman.

Mr. SOLGA. Well, Mr. Trautman, likewise, was a radio operator for a number of years, the number of which I am not aware of at this time.

He has since then, I understand, been placed in a position of servicing special types of equipment, involving operations within RCA Communications.

Mr. ARENS. Does he service equipment which transmits confidential or secret messages?

Mr. SOLGA. He services equipment which I am not aware whether he actually services traffic.

Mr. ARENS. Did you in the course of your experience in the Communist Party know as a Communist a person by the name of Frances Halpern?

Mr. SOLGA. I did, sir.

Mr. ARENS. Give us a word of description about that person?

Mr. SOLGA. The young lady you are having reference to was employed by American Communications Association in the capacity of secretary-clerk. She was not employed in RCA Communications.

Mr. ARENS. And the American Communications Association—is that the labor organization which has the contracts?

Mr. SOLGA. That is correct.

Mr. ARENS. Within these various communications establishments? Is that correct?

Mr. SOLGA. That is correct, sir.

Mr. ARENS. Did you know as a Communist a person by name of Reuben Kaplan?

Mr. SOLGA. Yes; he was a young man that I worked with as a radio operator for a period of about 5 or 6 years. I don't know of his whereabouts at this time. He has since left the company, a period of about 12 years ago.

Mr. ARENS. Do you know where his is now?

Mr. SOLGA. I personally don't know where he is at this time.

Mr. ARENS. Did you know as a Communist a person by the name of Louis Jenkins?

Mr. SOLGA. Yes, sir. Louis Jenkins is presently employed in RCA as a radio operator.

Mr. ARENS. And does he have about the same status as you have, the same type of work?

Mr. SOLGA. Yes; we are both in the same classification, sir.

Mr. ARENS. Does he have access or could he have access in his work or in his presence in the department in which he is engaged to confidential or secret messages?

Mr. SOLGA. To the same degree I specified, prior to this time.

Mr. ARENS. Did you know as a Communist a person by the name of Geraldine Shandros?

Mr. SOLGA. Yes, sir; she was employed with the American Communications Association in the capacity as a secretary and clerk, representing the union in their relationship with RCA.

Mr. ARENS. Can you now recall any other persons in the communications industry who were known by you to a certainty to have been Communists?

Mr. SOLGA. Offhand—I tried to rack my brain on that last night, and I have been unable to come across any other names which would reflect any further light.

Mr. ARENS. Mr. Solga, assuming, for the sake of this question that the persons whom you have named are presently Communists,

and are, as you have testified, presently engaged in the communications industry: on the basis of your background and experience and knowledge of the communications industry and the type of messages which are transmitted, in your judgment, on this assumption which I have given you, is there a security threat in the existence of those facts?

Mr. SOLGA. There is a potential security risk, depending on the tension that develops between our country and any other major country.

Mr. ARENS. We thank you very much for your testimony.

And that will conclude, if you please, Mr. Chairman, the staff interrogation of this witness.

Mr. DOYLE. Mr. Frazier, do you have any questions?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. We want to thank you very much for coming and helping this congressional committee studying this problem, looking toward possible remedial legislation by Congress in this important field.

I would like to ask you this question: I think you are a member of the ACA union?

Mr. SOLGA. That is correct, sir.

Mr. DOYLE. How many years have you been in the field of communications?

Mr. SOLGA. For the past 28 years.

Mr. DOYLE. Twenty-eight years. You did not ask the witness, Mr. Arens, if he had knowledge of whether or not any of the present officers of the union were known to him to be Communists?

Mr. ARENS. I did it a little bit differently.

I asked him to name those he knew as Communists, and they did not encompass the present officers.

They have heretofore been identified on this record, however.

Mr. DOYLE. Very well.

How often does ACA have union meetings?

Mr. SOLGA. Once a month, sir.

Mr. DOYLE. How large a number attend?

Mr. SOLGA. Frankly, I can't tell you that because I haven't been attending.

Mr. DOYLE. Approximately.

Mr. SOLGA. A normal meeting, from what I heard—which is hearsay—there might be 30 or 40 members present.

Mr. DOYLE. Out of a membership of how many?

Mr. SOLGA. Of approximately 1,100.

Mr. DOYLE. Out of a membership of 1,100?

Mr. SOLGA. Of course, there is also the question of a 3-shift affair, where all 3 shifts cannot attend the meeting.

Mr. DOYLE. Yes, I realize that.

Mr. SOLGA. That is partially the reason.

Mr. DOYLE. Do you know approximately how many members of the union could attend, on account of their being free from employment at 1 of the 3 shifts?

Mr. SOLGA. It would have to be a theoretical guess. It might be 125, 150, 200.

Mr. DOYLE. In other words, the working shifts have their union meetings in between?

Mr. SOLGA. That is correct, sir.

Mr. DOYLE. If there are 1,100 members of the union, how many shifts are there?

Mr. SOLGA. There are three basic shifts, sir, and then with variations, with intermediary shifts involved.

Mr. DOYLE. Thank you very much. We wish to thank you again.

Mr. SOLGA. You are welcome, sir.

Mr. ARENS. The next witness, Mr. Chairman, is Mr. Samuel Rothbaum.

Would you, Mr. Rothbaum, kindly come forward and remain standing, please, while the chairman administers the oath to you.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROTHBAUM. I do, sir.

Mr. DOYLE. Please have the witness chair.

TESTIMONY OF SAMUEL ROTHBAUM

Mr. ARENS. Kindly identify yourself, please, by name, residence, and occupation.

Mr. ROTHBAUM. My name is Samuel Rothbaum. My residence is 1105 Gipson Street, Far Rockaway, Long Island, N. Y. My occupation is assistant repeater chief, Western Union Telegraph Co.

Mr. ARENS. How long have you been an assistant repeater chief at the Western Union?

Mr. ROTHBAUM. It will be a little over 2 years in this capacity.

Mr. ARENS. And how long have you been engaged with Western Union?

Mr. ROTHBAUM. Ever since the merger with Postal Telegraph.

Mr. ARENS. And when was that?

Mr. ROTHBAUM. I believe it was 1943 or 1944; I am not sure of the date, sir.

Mr. ARENS. Kindly tell us how long you have been engaged in any capacity in the communications industry?

Mr. ROTHBAUM. I worked for Postal Telegraph from June 1935 until the present, of course, I am with Western Union. I have been 22 years in the service.

Mr. ARENS. Kindly give us just a very brief description of your duties and functions, as an——

Mr. ROTHBAUM. Assistant repeater chief.

Mr. ARENS. Yes, sir, assistant repeater chief.

Mr. ROTHBAUM. Well, an assistant repeater chief takes care of all leased communications in the central office of Western Union, everything going in and out of New York City goes through there.

Mr. ARENS. Kindly direct your attention specifically to leased lines which are leased to agencies of the Federal Government.

Mr. ROTHBAUM. Yes, sir.

Mr. ARENS. And tell us which of those are processed by your operations.

Mr. ROTHBAUM. Civil defense, our Government, various Government agencies, our Air Force circuits, our naval circuits, our Army circuits.

Mr. ARENS. And do confidential, security-restricted messages pass over these circuits?

Mr. ROTHBAUM. I would say, Yes, sir; all Government information is confidential.

Mr. ARENS. Now, using one of the agencies as an illustration—

Mr. ROTHBAUM. Yes, sir.

Mr. ARENS. Rather than have me interrogate you on all of them, let us take the Air Force, if you please. Do Air Force messages of a confidential nature go over the facilities of Western Union?

Mr. ROTHBAUM. Yes, sir.

Mr. ARENS. Do those confidential messages physically appear in the form of tapes?

Mr. ROTHBAUM. They do, sir.

Mr. ARENS. Within the office?

Mr. ROTHBAUM. They do, sir.

Mr. ARENS. Without undertaking in this testimony of yours to assert what any one individual is presently doing—we will get to that in a little while—is it possible for an employee of Western Union in the office in which you are engaged to take from the premises, the physical tape on which the Air Force secret or confidential messages appear?

Mr. ROTHBAUM. Yes, sir.

Mr. ARENS. Is it possible for that to be done without being easily detected?

Mr. ROTHBAUM. Yes, sir.

Mr. ARENS. Is it possible, likewise, for an employee working in the general area in which you are engaged, to not only take the tape, but in place of taking it, to copy the message, put it in his pocket and walk out with it?

Mr. ROTHBAUM. He definitely could copy the substance of the message.

Mr. DOYLE. May I have the answer again?

Mr. ARENS (quoting Mr. Rothbaum):

He definitely could copy the substance of the message.

Mr. DOYLE. Thank you.

Mr. ARENS. Mr. Rothbaum, are you familiar with what they call in the industry, so I understand, monitoring?

Mr. ROTHBAUM. Monitoring, yes sir. It is necessary for trouble shooting purposes.

Mr. ARENS. Tell us just in a word what is "monitoring"?

Mr. ROTHBAUM. Monitoring is a process whereby a technician will insert a teletype into a circuit for the purpose of helping to determine the trouble by reading the copy.

Mr. ARENS. Are the tie lines and leased lines of this Government, which are processed by your organization, and which carry confidential, secret Government messages—are they monitored by employees of Western Union?

Mr. ROTHBAUM. They definitely are, from time to time, if necessary, for trouble shooting purposes.

Mr. ARENS. Have you ever been a Communist?

Mr. ROTHBAUM. I have, sir.

Mr. ARENS. Give us, if you please, a brief thumbnail sketch of your career in the Communist Party.

Mr. ROTHBAUM. Well, when I was 20 years old, 1938, I was a member of the Communist Party in Postal Telegraph. I belonged to a small group which I believe was a sort of study group.

I didn't get the rest of that question.

Mr. ARENS. Just your career in the Communist Party. It was a brief period; was it not?

Mr. ROTHBAUM. Yes; it was for a period of around 8 months.

Mr. ARENS. Mr. Rothbaum, I inform you now that the persons whom you have told us about in staff consultations have already on this record been the subject of testimony, with the exception of 1 or 2 persons, and I should like, therefore, to just ask you about 1 or 2 persons, so that we will not have a record that is encumbered with repetition.

Did you, while you were a member of the Communist Party attend a closed Communist Party meeting with a person by the name of Mollie Townsend?

Mr. ROTHBAUM. I did.

Mr. ARENS. Do you here now, while you are under oath, testify to a certainty that you knew Mollie Townsend as a Communist?

Mr. ROTHBAUM. I did.

Mr. ARENS. Kindly tell us, if you please, sir, in what capacity she was engaged and, if you know, where she is employed at the present time.

Mr. ROTHBAUM. Mollie Townsend at present is an officer of the American Communications Association.

Mr. ARENS. The American Communications Association is that association which has contracts within the communications industry, to represent certain employees; is that correct?

Mr. ROTHBAUM. Yes, sir.

Mr. ARENS. In what capacity was Mollie Townsend engaged, at the time you knew her as a Communist?

Mr. ROTHBAUM. As, I would say, a leader in this study group that I belonged to.

Mr. ARENS. I meant did you know where she was employed at that time, other than her activity in the Communist Party?

Mr. ROTHBAUM. Where she was employed?

Mr. ARENS. Yes, when you knew her as a Communist: Was she then employed in the American Communications Association?

Mr. ROTHBAUM. Oh, I see, sir. I think she was, sir, to the best of my recollection.

Mr. ARENS. Is she presently an officer of the American Communications Association?

Mr. ROTHBAUM. Yes, sir.

Mr. ARENS. Thank you, sir.

Mr. DOYLE. Judge Frazier, do you wish to ask the witness any questions?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. Witness, I wish to ask you just a couple of questions.

On yesterday, a witness by the name of Frank Grumman testified that he was a radio operator and secretary-treasurer of Local 10 of the American Communications Association. He was before us as a witness.

In substance, when he was asked about the possibilities of sabotage his answer was as follows:

It would be possible only to a small degree and impossible to get away with.

That is almost an exact quote, I think.

From your 22 years of experience, what is your answer to the question of whether or not an evil, unpatriotic person, desirous of weakening our national defense and aiding our enemy, even in this time of the cold war, could sabotage? Would it be an easy accomplishment?

Mr. ROTHBAUM. Well, sir, from a technical aspect of what is easy, I can't say what is in a person's mind. I do know this, that a saboteur could inflict quite a bit of damage upon the communications industry.

Mr. DOYLE. Could inflict quite a bit of damage?

Mr. ROTHBAUM. Yes, he could.

Mr. DOYLE. And get away with it for how long a period of time?

Mr. ROTHBAUM. That is hard to say, sir.

Mr. DOYLE. But long enough to do definite damage and injury to it?

Mr. ROTHBAUM. In a period of crisis; yes, sir. He definitely could do an awful lot of damage.

Mr. DOYLE. In a period of crisis, your answer is they could do an awful lot of damage?

Mr. ROTHBAUM. Definitely, sir.

Mr. DOYLE. I have one more question here. I think I heard you testify that classified, confidential messages went over the lines which you handle, which your company handles, from the Civil Defense Department, the Air Force, the Navy, and the Army. How about the State Department?

Mr. ROTHBAUM. Yes; we do have some State Department leases.

Mr. DOYLE. Would there be the same degree of ease and possibility to sabotage those messages, as well as others, in time of conflict?

Mr. ROTHBAUM. Yes, sir. They are in the same place, the same area. We are centralized. Our communications are centralized.

Mr. DOYLE. May I ask you a very direct, personal question?

Mr. ROTHBAUM. Yes, sir.

Mr. DOYLE. Assuming that you were a Communist and in the position you now hold with the company, and you were desirous of sabotaging messages, classified code messages from any of these Government departments to our allies or to our outfits in Europe, Asia, or Africa, wherever they are, could you easily sabotage those messages?

Mr. ROTHBAUM. Sir, it is a hypothetical question. I could not say that it would be easy to do—definitely not—it is a hard question to answer for me. The thought has never been entertained in my mind. I just couldn't give you an answer to that, sir. I probably would have to rack my brains on it.

Mr. DOYLE. All right. Strike out the word "easy" then. Let me ask you the question, striking out the word "easy."

Could you accomplish it if you had that evil design to do damage to our national security?

Mr. ROTHBAUM. Well, I could accomplish it, and I imagine I would be caught, definitely.

Mr. DOYLE. You what?

Mr. ROTHBAUM. I would be caught doing it.

Mr. DOYLE. Sure you would be caught, but you could do the damage before you were caught?

Mr. ROTHBAUM. Yes, sir; I could do some damage before I was caught.

Mr. ARENS. We have three other names that we would like to ask him about. While you were a Communist, Mr. Rothbaum, did you know a person to be a Communist by the name of William Burke?

Mr. ROTHBAUM. Yes; I did.

Mr. ARENS. In what capacity?

Mr. ROTHBAUM. He was an organizer originally, when Postal Telegraph was being organized.

Mr. ARENS. For what organization?

Mr. ROTHBAUM. Well, I believe the name then was American Radio and Telegraphers Association.

Mr. ARENS. Did you know as a Communist a person by the name of Sol Klein?

Mr. ROTHBAUM. Yes, I did.

Mr. ARENS. In what capacity?

Mr. ROTHBAUM. A telegraph operator.

Mr. ARENS. Do you know where he is now?

Mr. ROTHBAUM. I don't know, sir.

Mr. ARENS. Did you know as a Communist a person by the name of Dave Shawn?

Mr. ROTHBAUM. I did, sir.

Mr. ARENS. In what capacity?

Mr. ROTHBAUM. Telegraph operator.

Mr. ARENS. Do you know where he is now?

Mr. ROTHBAUM. No, sir.

Mr. ARENS. We have no further questions, Mr. Chairman.

Mr. DOYLE. I wish to thank you on behalf of the committee, for your cooperation, and for the information you have given us in our study of possible remedial legislation in this field of sabotage, espionage, and injuring our national security, especially in the field of communications.

Thank you very much.

The committee will stand in recess until July 29, 1957, at 10 o'clock, in this room.

(Whereupon, at 10:48 a. m., Friday, July 19, 1957, the subcommittee was recessed to reconvene at 10 a. m., Monday, July 29, 1957.)

INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 1

FRIDAY, AUGUST 2, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The subcommittee met, pursuant to notice, at 10:05 a. m., in the caucus room, Old House Office Building, Washington, D. C. Mr. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle, of California (presiding), James B. Frazier, Jr., of Tennessee, and Gordon H. Scherer of Ohio.

Staff members present: Richard Arens, director, and W. Jackson Jones and Louis J. Russell, investigators.

Mr. DOYLE. The committee will please come to order.

This morning's hearings are a continuation of previous hearings started on July 17, 1957, this being a continuation of a series of hearings in the communications industry in the United States, namely, the position and influence held by members of the Communist Party and organizations dedicated to the Communist objectives in that field of communications industry, principally.

On July 10, 1957, at a regular meeting of the committee, with all members except two present and voting, a motion was made by Mr. Scherer and seconded by Mr. Frazier, which authorized the holding of these hearings in Washington, D. C., on this general subject.

The resolution adopted by the committee on July 10, 1957, was as follows:

A motion was made by Mr. Scherer, seconded by Mr. Frazier, and unanimously carried, approving and authorizing the holding of hearings in Washington, beginning July 17, 1957, or at such later date as the chairman may determine, for the purpose of considering whether or not members of the Communist Party, or persons subject to its discipline are employed in various media of communications used in the transmission of vital communications, and the advisability, in the national defense and for internal security, of the adoption of remedial legislation authorizing the Defense Department and other Government agencies to adopt and enforce appropriate regulations designed to protect and preserve inviolate secret and classified Government information, and investing in appropriate Government agencies, power to preclude access to vital communication facilities in time of war or other national emergency, persons who probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage.

Before proceeding further, I would like to include in the record a copy of the order for appointment of this subcommittee, signed by the chairman on the 12th day of July 1957. In it, there is appointed a

subcommittee consisting of Mr. Frazier of Tennessee, who is on my left, and Mr. Scherer of Ohio, who is on my right, and myself, Doyle of California, subcommittee chairman, to conduct these hearings in Washington, D. C., which began on July 17, 1957.

As this order authorized the subcommittee to conduct hearings on this general subject, beginning on July 17, 1957, let the record further reflect that this hearing is a continuation of those begun on that date.

(The order of appointment follows:)

ORDER FOR APPOINTMENT OF SUBCOMMITTEE

To the Clerk of the Committee on Un-American Activities of the House of Representatives:

Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, House of Representatives, consisting of Hon. Clyde Doyle, chairman, and Hon. James B. Frazier, Jr., and Hon. Gordon Scherer, associate members, to conduct hearings in Washington, D. C., beginning on July 17, 1957, on all matters within the jurisdiction of the committee, and to take testimony on said day or any succeeding days, and at such times and places as it may deem necessary, until its work is completed.

The clerk of the committee is directed to immediately notify the appointees of their appointment and to file this order as an official committee record, in the order book kept for that purpose.

Given under my hand this 12th day of July 1957.

(Signed) FRANCIS E. WALTER,
*Committee on Un-American Activities,
House of Representatives.*

Mr. DOYLE. Those of the subcommittee who are now present and constitute a quorum are, in fact, the full subcommittee which I have just identified.

Congress, by Public Law 601 of the 79th Congress, placed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries, or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

Congress has also placed upon this committee the duty of exercising continuous watchfulness of the execution by the administration agencies concerned of any laws, the subject-matter of which is within the jurisdiction of this committee.

In these hearings, the second of a series on this general subject, the committee hopes to obtain additional information respecting the extent of the penetration and control exercised by members of the Communist Party in the United States over an industry which is vital at all times to our defense, namely, communications.

In the event that testimony given during these hearings reflects a situation correctable by legislation or which may be remedied by legislation, the committee will recommend the appropriate measures at the proper time.

It is the purpose of the subcommittee in the conduct of these hearings to discharge the duties placed upon us by the Congress by calling witnesses who, we have reason to believe, possess information which

will be of value to us and to the Congress in the consideration of such legislation.

It is a standing rule of this committee that any person named in the course of committee hearings, will be given an early opportunity, upon request, to appear before this committee if he so desires, for the purpose of denying or explaining any testimony given adversely affecting such person. In the event that there are such persons, they should immediately communicate with any member of the committee staff and make their requests known.

In every hearing, the committee has encouraged witnesses to have legal counsel with them, if they so desire, and it has always welcomed the presence of legal counsel. In fact, the rules of the committee, which are well known and have been publicly distributed and widely distributed, provide that—

at every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

I would respectfully remind those present that we are here at the direction of Congress to discharge an important legislative function. Those in the hearing room are here by permission of the committee, and I trust and I know that you will all conduct yourselves as guests of the committee and of the Congress at all times.

A disturbance of any kind, or audible comment during the course of testimony, whether favorable or unfavorable to any witness, will not be tolerated.

Mr. Frazier, do you have anything further to add?

Mr. FRAZIER. Nothing.

Mr. DOYLE. Mr. Scherer, have you anything further to add?

Mr. SCHERER. Nothing.

Mr. DOYLE. Are you ready, then, Counsel, with your first witness?

Mr. ARENS. May I make an announcement and a request of the Chair, if you please?

One of the witnesses who was subpoenaed to appear here today was Louis Jenkins. I have been advised by his counsel that Mr. Jenkins has been taken ill.

Therefore, I respectfully request that this record reflect that he be continued under his subpoena and excused from appearance today.

Mr. SCHERER. Has a doctor's certificate been filed?

Mr. ARENS. No. I understand that the illness just took place in the course of the last few hours. I have been advised by his counsel that he came to Washington to appear and became ill at breakfast this morning.

Mr. DOYLE. Will counsel agree that he will appear at a later date as shall be mutually arranged?

Mr. RABINOWITZ. I would suggest, Mr. Chairman, that, as Mr. Arens suggests, the subpoena be continued in effect. I was advised this morning, and I knew nothing about it until this morning, that he has for a long while been suffering from a rather serious heart condition and that, as a matter of fact, he has been on sick leave for the last 2 or 3 weeks, which was the occasion on which he was down here last time, only the committee did not get to him. He is perfectly

willing to appear if he is advised that it would be safe for him, from the point of view of health, but I would like to consult with his doctor. As I say, I knew nothing at all about this until this morning, and I really haven't had a chance to discuss it with him, because he wasn't in a condition to talk about it.

Mr. DOYLE. Of course, the committee would reserve the right to have a physician of our own choosing also examine the witness.

Mr. RABINOWITZ. Why, of course.

Mr. DOYLE. Even though he may have his own physician.

Mr. RABINOWITZ. Of course. I would expect that, and what I suggest is that some time during the next week I consult with Mr. Arens and tell him just what the situation is.

Mr. DOYLE. Very well, if that will be satisfactory.

Mr. SCHERER. Mr. Chairman, may I suggest in connection with those discussions, that he file a medical report from his own doctor?

Mr. RABINOWITZ. Either he will be here on such agreed upon date as the committee sets, or there will be a doctor's certificate filed, certainly.

Mr. ARENS. Will the record reflect, if you please, Mr. Chairman, the order of the chairman that this record show that he is continued under his subpoena?

Mr. RABINOWITZ. Certainly.

Mr. DOYLE. Very well. That will be the order.

Mr. ARENS. If you please, Mr. Chairman, the first witness today will be Mr. Louis J. Stallone.

Kindly remain standing, Mr. Stallone, while the chairman administers the oath to you.

Mr. DOYLE. Do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STALLONE. I do.

Mr. DOYLE. Take the witness chair, please.

TESTIMONY OF LOUIS J. STALLONE, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. STALLONE. My name is Louis J. Stallone. I live at 440 41st Street, Brooklyn, N. Y., and my occupation is an operating maintenance man and technician, RCA Communications.

Mr. SCHERER. I didn't hear that.

Mr. STALLONE. Maintenance and technician.

Mr. SCHERER. With whom?

Mr. STALLONE. RCA Communications.

Mr. ARENS. You are appearing today, Mr. Stallone, in response to a subpoena that was served upon you by the House Committee on Un-American Activities?

Mr. STALLONE. Yes; I am.

Mr. ARENS. And you are represented by counsel?

Mr. STALLONE. Yes; I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, New York.

I wonder, Mr. Chairman, whether I might not at this time introduce into the record with the consent of Mr. Arens a telegram I sent

to him yesterday which I would like to read, if I may. It is addressed to——

Mr. DOYLE. On what subject?

Mr. RABINOWITZ. On the subject of these hearings.

Mr. ARENS. Is that the telegram, Mr. Rabinowitz, in which you requested that the hearings be taken in executive session?

Mr. RABINOWITZ. Yes.

Mr. ARENS. Mr. Chairman, Mr. Rabinowitz has made a request that the hearings be taken in executive session and pursuant to the policy of the committee as announced, and the direction from the chairman, I advised Mr. Rabinowitz that that request would be denied.

Mr. RABINOWITZ. May I read the telegram just so that as a matter of record it appears before the committee. I don't know whether the subcommittee even knew about the telegram, and I think it ought to pass on the request, rather than counsel.

Mr. DOYLE. No.

Mr. RABINOWITZ. It is a short telegram. I could have finished it by this time.

Mr. DOYLE. No, counsel. You see, our director acts on these formal requests in a matter of established policy by the committee. It is not a matter that has to be presented to the subcommittee.

Mr. RABINOWITZ. I don't want to argue it.

Mr. DOYLE. I know. But there is no need in encumbering the record with a telegram that is not pertinent to the hearing.

Mr. RABINOWITZ. Except the court may consider it pertinent. Many things considered by these——

Mr. DOYLE. Counsel, please. I called attention in my opening statement that your exclusive function is to advise your client. It is not a legal forum; it is an investigating committee.

Mr. RABINOWITZ. Well, if you——

Mr. DOYLE. I cannot see how in the world any rights of your client are jeopardized by our refusal to accede to your request for an executive hearing.

Mr. RABINOWITZ. Very well. If the chairman is satisfied to have counsel make rulings for the committee, I will desist.

Mr. DOYLE. The counsel made that ruling in accordance with our established policy and when he made that ruling he was acting within his province.

Mr. SCHIERER. The regular order, Mr. Chairman.

Mr. RABINOWITZ. Well, very well.

Mr. ARENS. Mr. Stallone, kindly tell us when and where you were born?

Mr. STALLONE. Prior to that, if I may, I should like to refer to a statement made by a previous witness on July 18, Mr. Frank Grumman.

As you probably will recall, he introduced into the record a statement. I should like permission, of course, to adopt that statement as my own, and have it entered into the record as my statement, by reference.

Mr. DOYLE. I think you cannot do that, sir. He made his record. I think it is pertinent and proper that you make your own record, and stand on your own record.

Mr. STALLONE. I have that statement here, if you wish.

Mr. ARENS. Kindly tell this committee when and where you were born.

Mr. RABINOWITZ. Mr. Chairman, I don't want to argue this point, really, and I am raising a point—

Mr. SCHERER. Mr. Chairman, I suggest that counsel knows the rules of this committee. I object to any further statement by counsel, and I ask that the witness be instructed to answer the question propounded to him by counsel of this committee.

Mr. ARENS. Kindly tell us when and where you were born.

Mr. STALLONE. I was born on March 28, 1912, in Brooklyn, N. Y.

Mr. ARENS. Give us, if you please, just a thumbnail sketch of your educational background.

Mr. STALLONE. Well, I attended grammar school and 6 months of high school. That is my formal education. I started working for RCA at the age of 15 and I am still there.

Mr. ARENS. Tell us, please, sir, the principal jobs you have held with RCA during these many years.

Mr. STALLONE. Well, going back from today, I am now a technician, which is a nice title for a teletype repairman. Prior to that I was a radio operator. Prior to that I was a teletype operator, clerk, down through to messenger.

Mr. ARENS. How long have you occupied your present job?

Mr. STALLONE. About 6 years, more or less.

Mr. ARENS. Could you give us just a brief description of your functions and duties in your present job as a technician?

Mr. STALLONE. Well, the main function is to repair teletype equipment, that is, what we call on-line repair, if possible. If something goes wrong with a radio circuit using teletype equipment, of course—

Mr. ARENS. Do you have access in your repair work to the teletype equipment which processes or handles messages from the Air Force?

Mr. STALLONE. No, I have not.

Mr. ARENS. Do you have access to any equipment which handles any messages by any agency of the Government of the United States?

Mr. STALLONE. Yes, I suppose so. In the course of my work I handle troubles that come up on teletype circuits, some of them, the traffic coming over these circuits might be Government traffic. I don't know.

Mr. ARENS. Did any of this traffic that comes over the circuits to which you have access in your routine duties contain messages from the Pentagon, from any agency in the Pentagon, the Air Force or the Army or any of our military establishments?

Mr. STALLONE. It is very hard to say. They may. Probably they do, but I don't know. It is very difficult to say at any given moment what is coming over.

Mr. SCHERER. Just a minute now. Not "any given moment," but counsel's question was not whether these come over at any given moment. The question was whether any such messages do go over this equipment at any time.

Mr. STALLONE. Well, I will assume they do go over. Yes, they do go over.

Mr. SCHERER. All right.

Mr. ARENS. Are any of these messages, messages in code?

Mr. STALLONE. I suppose so. I don't really know. I don't know. I don't look at these things. The only time I see a circuit is when it is in trouble. At that moment there are no messages going over it. There is nothing going over it because it is in trouble.

Mr. ARENS. When you have your hands on the equipment, are there within the limitations of the equipment, paper tapes with messages on them?

Mr. STALLONE. Yes.

Mr. ARENS. And do those paper tapes contain messages from the Government of the United States? Or agencies of the Government of the United States?

Mr. SCHERER. Or to the Government of the United States?

Mr. STALLONE. Well, when the circuit is operating properly I suppose those circuits do contain tapes. When I get at them and I am called in to them they don't contain anything, because they are no good. In other words, I wouldn't be called in unless they were in trouble.

Mr. ARENS. Do you have monitoring equipment that you use in the course of your duties?

Mr. STALLONE. Yes.

Mr. ARENS. And what is the nature of that monitoring equipment? Give us just a word description on that, please.

Mr. STALLONE. Well, the nature of it is, to jack in on a circuit that is in trouble—in a circuit in trouble. My supervisor tells me—or some other supervisor tells me “Mr. Stallone, would you please look at so-and-so? We can't get anything on it. It is all garbled.”

At that point I will jack in and see what I think of it.

Mr. ARENS. Where are you when you jack in or tie in on messages?

Mr. STALLONE. Oh, I am right in front of the chief supervisor on the main floor.

Mr. ARENS. Are you in the headquarters of RCA in New York City?

Mr. STALLONE. Oh, yes.

Mr. ARENS. And do you have occasion in the course of your work to jack in or listen in on messages emanating from the Pentagon?

Mr. STALLONE. No, I don't think so.

Mr. SCHERER. Wait a minute. The witness says no, he doesn't think so.

Mr. STALLONE. I don't recall. I don't think we have a circuit from the Pentagon. If there is, I never saw it. At least, I have no access to it.

Mr. ARENS. Does RCA service any of the lines from the Pentagon?

Mr. STALLONE. I really don't know. I don't have any access to it. I don't have any knowledge of it.

Mr. ARENS. Does RCA service any lines, to your knowledge, for the Government of the United States?

Mr. STALLONE. I suppose they do—I am not positive.

Mr. ARENS. You know the Air Force is serviced by RCA, do you not?

Mr. STALLONE. Yes, but I told you I don't have any access to it so I am not too familiar with it.

Mr. ARENS. Do you know now, as of the time you are presently testifying under oath, whether or not RCA employees service messages from the Air Force?

(Witness conferred with his counsel.)

Mr. STALLONE. As I said before, I am not positive they do. I assume that they do. I know they used to—let's put it that way. Since I don't have access to that area I don't know what they do at the moment. I still assume there has been no change.

Mr. SCHERER. What do you mean that you do not have access to the area?

Mr. STALLONE. This is a security area which I don't enter.

Mr. SCHERER. I didn't hear you.

Mr. STALLONE. It is a security area, which I do not enter.

Mr. ARENS. Where is the security area?

Mr. STALLONE. It is on a different floor of the building.

Mr. ARENS. And have you ever been precluded from entering that area?

Mr. STALLONE. Yes, I have.

Mr. ARENS. Who precluded you from entering the security area of the RCA facilities?

(Witness conferred with his counsel.)

Mr. STALLONE. The company did—RCA Communications.

Mr. ARENS. Was that by a written order?

Mr. STALLONE. No.

Mr. ARENS. How were you notified that you were to be precluded from access to the security area?

Mr. STALLONE. Personnel. The department of the company called me over and told me.

Mr. ARENS. When was that?

Mr. STALLONE. Oh, more than a year ago, or about that.

Mr. ARENS. Where were you working at that time?

Mr. STALLONE. Same place that I am now.

Mr. ARENS. Did they announce any reasons as to why you were to be precluded from the security area?

Mr. STALLONE. No.

Mr. ARENS. Did you at the time, or immediately prior to the time that you were told that you were to keep away from the security area of RCA, go into the security area every now and then.

Mr. STALLONE. Yes.

Mr. ARENS. And how often did you go into the security area before you were told not to go there?

Mr. STALLONE. Well, it is hard to say, and I will repeat again the nature of my work consisted of such that I am only called in when there is some trouble, and I would say—

Mr. ARENS. Would you go to the security area as much as once a week?

Mr. STALLONE. Just about, maybe more and maybe less.

Mr. ARENS. How big is this security area where you went about once a week before you were precluded from going there a year ago?

Mr. STALLONE. Well, the area occupied half of a floor.

Mr. ARENS. And what type of messages are there in this security area?

Mr. STALLONE. Now, you mean?

Mr. ARENS. Yes—or at any time.

Mr. STALLONE. When I had access to it?

Mr. ARENS. Or when you had access to it.

Mr. STALLONE. I don't understand now, but when I had access to it, I don't know what they had in it. I presume it was Government messages.

Mr. ARENS. Were those secret messages?

Mr. STALLONE. I don't know.

Mr. ARENS. What did you do in the security area when you went there about once a week up until a year ago?

Mr. STALLONE. Well, I went in there only upon being called in there. Let's start off with that.

Mr. ARENS. What did you do after you got there, is what I want to know, please, sir?

Mr. STALLONE. They tell me that there is some trouble on a particular machine, and I would go over there and see if I could fix it.

Mr. ARENS. Did those particular machines process Government messages?

Mr. STALLONE. I think I should explain. In that area there about nine-tenths of the equipment in that area that is not Government equipment—let's put it that way—so there could be troubles, I could be called down there to repair something which had nothing whatsoever to do with security. The wide area itself was set up as a security area.

Mr. ARENS. Did you, at any time, when you went in there, work on machines that processed secret Government messages?

Mr. STALLONE. At any time?

Mr. ARENS. Yes.

Mr. STALLONE. Yes. The answer to that is "Yes"—occasionally, yes.

Mr. ARENS. Do you have any idea why the company called you in a year ago and told you to stay out of the confidential restricted area of the building?

(The witness conferred with his counsel.)

Mr. STALLONE. No. I don't know why the company told me not to. If they have a reason, I suggest you get in touch with them.

Mr. ARENS. Are you sure you have not any idea why they asked you to stay out of the confidential area?

Mr. STALLONE. They never told me.

Mr. ARENS. That is not quite responsive. Do you have any idea that you can help this committee with as to why this company would tell you, a technician, about a year ago, to stay out of this area?

(The witness conferred with his counsel.)

Mr. STALLONE. I really don't know. I can't guess a thing like that. I suggest you ask them.

Mr. ARENS. You were a radio operator there for a while; were you not?

Mr. STALLONE. Yes.

Mr. ARENS. And over what period of time were you a radio operator?

Mr. STALLONE. Seventeen years, more or less.

Mr. ARENS. Up until when?

Mr. STALLONE. 1951.

Mr. ARENS. During the course of the time that you were a radio operator, did you process any Government messages in the course of your duties?

Mr. STALLONE. Yes.

Mr. ARENS. And did you process messages from the Pentagon during the course of your duties?

Mr. STALLONE. I don't recall.

Mr. ARENS. For what agencies did you process messages when you were a radio operator?

Mr. STALLONE. I don't recall. In a sense, when a message comes in, or came in at that time, it was marked "Government" and we have no idea where it comes from. As to what agency sent it, we don't know.

Mr. ARENS. You knew it was a Government message, though?

Mr. STALLONE. Yes.

Mr. ARENS. Did you process any confidential Government messages or Government messages in code or any cryptic Government messages?

Mr. STALLONE. Confidential—I suppose all messages are confidential, whether they are Government or not. We don't know if any particular message is more confidential than another.

Mr. ARENS. Did you process any Government messages in code or cryptic messages?

Mr. STALLONE. In code, yes.

Mr. ARENS. About how many Government messages did you process that were in code?

Mr. STALLONE. I have no idea.

Mr. ARENS. Was it quite a volume or not much?

Mr. STALLONE. Throughout the entire 17 years?

Mr. ARENS. Yes.

Mr. STALLONE. Probably a lot of them, I guess.

Mr. ARENS. And about how often in the course of a week would you process a Government message in code?

Mr. STALLONE. It is hard to say.

Mr. ARENS. Would you process as many as a dozen Government coded messages in the course of a week?

Mr. STALLONE. If you want me to say as many as or less than, it is pretty hard to say.

Mr. ARENS. Would you process less than 10 Government messages in a week?

Mr. STALLONE. It is pretty hard to say. You are asking me to say, to go over a period of 17 years.

Mr. ARENS. Your best knowledge, please?

Mr. STALLONE. Sometimes, month on end I never went near a circuit that a Government message would come over. I have no idea, actually.

Mr. ARENS. What would be your best estimate as to the number of secret Government messages you processed, say—let us try a month—in the course of a month, on an average?

Mr. STALLONE. I really couldn't say. I don't know.

Mr. ARENS. Would you process as many in a month as 50 messages, Government coded messages?

Mr. STALLONE. I don't think so.

Mr. ARENS. Would you process in a month as many as a couple dozen Government coded messages on the average?

Mr. STALLONE. I have no idea.

Mr. ARENS. Would you process in a month as many as—say a dozen Government coded messages?

Mr. STALLONE. It is very hard to say. It might be, might not be.

Mr. DOYLE. Let me ask this: Would you average 1 a month over 17 years?

Mr. STALLONE. That is safe enough, I would assume.

Mr. DOYLE. Sir?

Mr. STALLONE. One a month is a safe enough figure. I don't know.

Mr. DOYLE. Seventeen times 12, then, in 17 years?

Mr. ARENS. Is your present job a promotion from radio operator or a demotion? Do you have a higher status or is it a demotion?

Mr. STALLONE. It is a promotion.

Mr. ARENS. Do you belong to the American Communications Association?

Mr. STALLONE. I do.

Mr. ARENS. How long have you belonged to that organization?

Mr. STALLONE. I would say a little over 20 years.

Mr. ARENS. Have you ever held an office in that organization?

Mr. STALLONE. Yes.

Mr. ARENS. What office have you held?

Mr. STALLONE. I am the president of Local 10 now.

Mr. ARENS. You are now president of Local 10; is that correct, sir?

Mr. STALLONE. That is right.

Mr. ARENS. How long have you held that post?

Mr. STALLONE. I don't know—I think it is about 5 years.

Mr. ARENS. What is the jurisdiction of Local 10 of ACA?

Mr. STALLONE. Well, its charter includes all radio and cable, of course. We don't actually have all cable companies in Local 10, but its charter includes that, from the Atlantic coast to the Mississippi River.

Mr. ARENS. How many members are there in Local 10?

Mr. STALLONE. I am not positive, but I would say roughly 1,200—something like that.

Mr. ARENS. And where are most of the members located who are in Local 10?

Mr. STALLONE. In the metropolitan area of New York.

Mr. ARENS. What contracts, or companies, does Local 10 have?

Mr. STALLONE. RCA Communications, French Cables—that is it.

Mr. ARENS. By French Cables, what do you mean?

Mr. STALLONE. It is a cable company.

Mr. ARENS. Is it a North Atlantic cable?

Mr. STALLONE. It is a North Atlantic cable.

Mr. ARENS. Do Local 10 people service the North Atlantic cable, the French Cable?

Mr. STALLONE. Service the cable?

Mr. ARENS. Yes.

Mr. STALLONE. Not that I know of.

Mr. ARENS. Service the messages going over the cable?

Mr. STALLONE. We have members employed by French Cable, you mean?

Mr. ARENS. Yes.

Mr. STALLONE. The answer is "Yes."

Mr. ARENS. What is French Cable, a French company?

Mr. STALLONE. I think so.

Mr. ARENS. Do United States Government messages go over the French Cable?

Mr. STALLONE. I have no idea.

Mr. ARENS. Do you know a man by the name of Joseph Finsmith?

Mr. STALLONE. I do.

Mr. ARENS. How long have you known him?

Mr. STALLONE. A good 20 years, I imagine.

Mr. ARENS. Do you know a man by the name of A. T. Iannucci?

Mr. STALLONE. I do.

Mr. ARENS. Do you know a man by the name of Michael Mignon?

Mr. STALLONE. I do.

Mr. ARENS. Mr. Stallone, each and every one of these men, Mr. Finsmith, Mr. Iannucci, and Mr. Mignon, have sworn before this committee that when they were members of the Communist Party they knew you as a Communist—as a member of the Communist Party. Were they correct in that identification or were they in error?

(The witness conferred with his counsel.)

Mr. STALLONE. Let me say, first, I am not a Communist. As to the rest of your question, I must decline to answer on the grounds of the statement contained in Mr. Grumman's testimony, and also the fifth amendment.

Mr. ARENS. Were you a Communist yesterday?

Mr. STALLONE. I must decline to answer for the same reasons.

Mr. ARENS. Did you yesterday resign technical membership in the Communist Party so that you could appear today before this committee and tell this committee that you are not now a Communist?

(The witness conferred with his counsel.)

Mr. STALLONE. No.

Mr. SCHERER. Did you resign yesterday for any other reason?

Mr. STALLONE. No.

Mr. ARENS. When did you disassociate yourself from technical affiliation with the Communist Party?

(The witness conferred with his counsel.)

Mr. STALLONE. I must refuse to answer that question for the same reasons.

Mr. DOYLE. May I ask this: Why did you resign or disassociate yourself from the Communist Party? Why did you do it? I am not asking you when you did it. Why did you do it?

Mr. STALLONE. I must decline to answer that question, too.

Mr. ARENS. Do you have information presently, Mr. Stallone, respecting the activities of the Communist Party in the communications field?

Mr. STALLONE. I have no information whatever.

Mr. ARENS. Do you have any information respecting Communists or persons known at any time to have been Communists, to your knowledge, in the communications field?

(The witness conferred with his counsel.)

Mr. STALLONE. I must decline to answer that question on the same grounds as stated.

Mr. SCHERER. May I ask a question, Mr. Chairman?

Mr. DOYLE. Yes.

Mr. SCHERER. Witness, Mr. Mignon, when he identified you as a member of the Communist Party, told this committee in substance that it was the policy of the Communist Party at that time to control the Communications Workers Association, so that in the event of war with Russia the cable lines could be sabotaged more easily.

Are you familiar with that policy of the Communist Party at that time?

Mr. STALLONE. I am not familiar with anything involving the cables whatever, or what Mr. Mignon may have told you.

Mr. DOYLE. You have had the benefit of reading the transcript of his testimony; have you not? You say you are not familiar?

Mr. STALLONE. I am not familiar with the cables—you mean cables?

Mr. DOYLE. You just said you are not familiar with anything he told the committee, and the contrary is true; isn't it? You read the transcript, or have had it read to you; have you not?

Mr. STALLONE. I read the transcript. As far as I know, he didn't name me in the transcript, unless in executive session.

Mr. DOYLE. So you are familiar with what he told the committee?

Mr. STALLONE. I am not.

Mr. DOYLE. I thought so, you just said you read the transcript.

Mr. SCHERER. My question was not whether you are familiar with the cables; my question was whether you were familiar with the policy of the Communist Party some years ago when Mr. Mignon was a member of the party and you were a member of the party and both of you were members of the Communications Workers Association, and that is my question.

Mr. STALLONE. I must decline to answer that question on the grounds previously stated.

Mr. ARENS. Mr. Stallone, on the basis of your extensive experience in the communications industry, servicing these various messages of the Government as a radio operator and as a technician, can you tell this committee whether or not in your judgment it is safe for Communists to have access to the communications facilities of this Nation?

(The witness conferred with his counsel.)

Mr. STALLONE. I really have no opinion on that subject. I am not an expert. I don't know what is safe and what is not. There are others far more qualified than I am to answer that question.

Mr. ARENS. Do you know any Communists who have access to the communications facilities of this country?

(The witness conferred with his counsel.)

Mr. STALLONE. I must decline to answer on the same grounds.

Mr. ARENS. Mr. Stallone, the Committee on Un-American Activities, as the distinguished chairman stated this morning in opening this session, is considering legislation developing facts on the question of protecting the communications facilities of this Nation from penetration by Communists, or by those who might intercept secret messages or potentially be saboteurs of the communications facilities.

Can you serve your Government now by giving us any information respecting such persons—Communists—who might sabotage or might intercept secret messages? Will you give this committee any information along that line that you may possess?

Mr. STALLONE. I, of course, never engaged in sabotage or espionage or anything else that would be detrimental to our country. I don't know anyone else who ever has, wants to, ever did, or was ever told to, now or at any time in my life or experience.

Mr. ARENS. Go one step further, please, and tell us whether or not you know Communists, members of the Communist conspiracy, who now are servicing communications facilities of this Government?

Mr. STALLONE. I don't know of any.

Mr. ARENS. Are you a Communist?

Mr. STALLONE. I refuse to answer—

(Counsel conferred with the witness.)

Mr. ARENS. Are you under Communist discipline?

Mr. RABINOWITZ. What question was that?

Mr. ARENS. Are you under Communist discipline?

Mr. STALLONE. The answer is "No."

Mr. ARENS. Were you under Communist discipline yesterday?

Mr. STALLONE. No.

Mr. ARENS. Were you under Communist discipline a year ago?

(The witness conferred with his counsel.)

Mr. STALLONE. I must decline to answer that question on the grounds previously stated.

Mr. SCHERER. Were you under Communist discipline when you received the subpoena to testify before this committee?

(The witness conferred with his counsel.)

Mr. STALLONE. No.

Mr. ARENS. Have you received any instructions at any time respecting the objectives of the Communist Party in the communications industry?

(The witness conferred with his counsel.)

Mr. STALLONE. I must decline to answer that question on the previous grounds stated.

Mr. DOYLE. Would you please read back that question to me?

(The record was read by the reporter.)

Mr. DOYLE. What was the gentleman's answer?

(The record was read by the reporter.)

Mr. DOYLE. I am surprised, in view of some of your other answers, that you could not answer that question and say "No."

But, of course, I am dumfounded that you, sir, should make certain other answers, and then plead your privilege in that sort of a question.

Mr. SCHERER. May I make this observation, Mr. Doyle?

He also invoked the fifth amendment when I asked him whether or not the policy of the union of which he is now a president of a local was not, at the time Mignon was in the party, to the effect—

Mr. STALLONE. I don't recall such a question.

Mr. SCHERER. What is that?

Mr. STALLONE. I don't recall such a question.

Mr. SCHERER. I will ask you again, if you don't recall the question:

Mr. Mignon, when he testified before this committee a few weeks ago, said that he was a member of the Communist Party and also a leader in the Communications Workers Association, a union of which you now are a president of a local.

He said at that time it was the policy of the Communist Party to control this union so that if we should ever be at war with Soviet Russia sabotage could be more easily accomplished. That was the substance of his testimony.

I now ask you whether or not you are familiar with that policy or have any knowledge of that policy of the Communist Party.

(Witness conferred with his counsel.)

Mr. STALLONE. Could we have the page reference to that testimony, sir? I have the transcript here.

Mr. SCHERER. I don't have it. I am giving it from memory, sir. I am sure he said it in substance. He said more than that.

Mr. RABINOWITZ. I read it, and I don't remember it.

Mr. DOYLE. If you read it, and are familiar with it, will you point out Mr. Mignon's testimony? We do not have the transcript.

Mr. RABINOWITZ. We don't know where that testimony is. That is why I asked Mr. Scherer if he could find it for me.

Mr. DOYLE. Pass it up to us and we will try to find it. In the meantime, proceed with the witness.

Mr. SCHERER. Even more than that is in there.

Mr. DOYLE. Sure.

Mr. SCHERER. He said that if there should be a revolution in this country that sabotage could be more easily accomplished if the Communist Party had control of this very same union.

Mr. DOYLE. That is right.

Mr. SCHERER. May we have just a few minutes' recess, Mr. Chairman?

Mr. DOYLE. Yes; that will give our expert reporter a minute to rest. (At this point a short recess was taken, after which the hearing was resumed.)

Mr. DOYLE. The subcommittee will please come to order again; full committee present.

Let the record show that all the subcommittee members are present.

Mr. SCHERER. Mr. Chairman, may I just read—

Mr. DOYLE. What are you reading, Mr. Scherer?

Mr. SCHERER. I am reading from the transcript of the testimony of Mr. Mignon, taken in this room before this subcommittee on July 17 of this year.

Mr. DOYLE. As furnished you by counsel for the present witness.

Mr. RABINOWITZ. What page?

Mr. SCHERER. Page 77.

I might say that I scanned through it hurriedly and picked out some of the questions and answers that refer to the subject which was under discussion before the recess.

On page 77, Mr. Arens asked this question:

Mr. ARENS. During the course of your membership in the Communist Party, did you have occasion to learn of any particular importance which the Communist Party attached to the enterprise of infiltrating the communications industry in the United States?

Mr. MIGNON. To the best of my recollection, sir, it was always pointed out to me that the importance of obtaining control of the communications industry in times of stress or in revolutionary times, was a primary factor, and therefore the efforts of the Communist Party in subsidizing the union and offering whatever assistance they could in building the union in the communications industry was primarily the main objective.

Then on page 78, at the bottom:

Mr. DOYLE. What did the Communist Party have to do with determining policy for the union? That was not the union doing it, was it?

Mr. MIGNON. Well, you see when a union is controlled by the Communist Party or under Communist Party discipline, the directives for that particular union in dealing with management or in attempting to establish policies within that union through the media of membership meetings, are determined by the leadership of the Communist Party; it is transferred to the officers of the union, who are dutybound to attempt to establish that policy as if it were the policy of the union.

This is on page 79:

Mr. DOYLE. In other words, it is a secret conspiracy to control the American trade union in that area of communications?

Mr. MIGNON. Yes, sir.

Mr. SCHERER. The eventual objective being that if we should ever be at war with the Soviet Union, to be able to more effectively control the communications system of the country. Isn't that the end objective?

Mr. MIGNON. The end objective, sir, as I learned it, was when and if the revolution came to change this form of government, our form of government, that the Communists would be in a position to immediately control the communications facilities of the Nation.

Mr. SCHERER. To the advantage of the revolution?

Mr. MIGNON. For the advantage of the revolution or the success thereof.

Mr. SCHERER. Or if, in the event as I have said, in the case Russia should participate in that revolution, or we should be at war with the Soviet Union, then to control the communications, to the advantage of the Soviet Union?

Mr. MIGNON. Yes, sir.

There are a number of other parts of his testimony that are similar. This is on page 85:

Mr. DOYLE. * * * In other words, Mr. Witness, the program of the Communist Party at that time, between 1936 and 1940—and you joined in 1936 and left in about 1940, was to get as many employees in the field of communications in New York, both domestic and intercontinental, to get as many employees in that field as possible to be members of the Communist Party?

Mr. MIGNON. Yes, sir.

Mr. DOYLE. And, therefore, when the Communist Party nationally sent the word, or internationally spoke the word, of the revolution, the communications people would be in control?

Mr. MIGNON. Correct.

Mr. DOYLE. The Communist Party would have control of that very vital field throughout our country?

Mr. MIGNON. Yes, sir.

Mr. FRAZIER. That ought to be sufficient.

Mr. DOYLE. Shouldn't that be sufficient, counsel?

Mr. RABINOWITZ. I would just like to point out that my recollection was better than the Congressman's. I haven't heard a word about sabotage and espionage of cables that the Congressmen read.

Mr. SCHERER. We will get to that now.

But from what I read you certainly can't infer anything else but they wanted control in time of war for espionage and sabotage.

Mr. RABINOWITZ. You can't infer anything else, Mr. Congressman, but not me.

Mr. SCHERER. This appears at page 98:

Mr. SCHERER. I do not want to labor the point that I have raised before, but just so that I have it straight in my own mind and we have it straight in the record, I understand the substance of your testimony initially was to the effect that during the time you were a member of the Communist Party and a member of the American Communications Association, the Communists both in and out of the union desired to control the union, so that if a revolution should take place at some indefinite future time, or if we should be at war at some indefinite future time with the Soviet Union, then, and in that event, it might be possible either to commit espionage or sabotage more effectively if the party controlled the union. I understood that that was the substance of it.

Mr. MIGNON. I would place control before sabotage and espionage. In their chronology, I would say control, and if unable to control, sabotage, and as for the question of espionage, very frankly I am not convinced in my own mind that that is the important point.

Mr. DOYLE. Well, all right. The record speaks for itself. Let us proceed.

May I say, Mr. Witness, my knowing that that had been the testimony of Mr. Mignon, a member of the same union of which you were a member and are a member, at the same time, the same term of years, as I recall it, being an officer at one time, my recollection that that was his testimony was why I was surprised at your answer to the question which I had the reporter read back.

Mr. SCHERER. I have a question pending.

Mr. DOYLE. Go ahead.

Mr. SCHERER. I asked him whether or not he was familiar with that policy of the Communist Party as enunciated by Mr. Mignon. Do you know of that policy of the Communist Party?

Mr. STALLONE. I must decline to answer that question for the same reasons.

Mr. ARENS. We have no further questions of this witness, Mr. Chairman.

Mr. DOYLE. Judge Frazier?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. I have just a couple of questions, Witness.

I noticed your answer that—

If something goes wrong with the teletype service, I have to repair it.

Now, that I think was directed to the service at RCA prior to the time you were precluded from the security area, was it not?

Mr. STALLONE. The nature of my work was not changed, other than—

Mr. DOYLE. You were precluded from work of that nature in the security area about a year ago?

Mr. STALLONE. That is right.

Mr. DOYLE. You testified, too, that you had no idea why your employer, the RCA, gave you orders excluding you from going into the security area. Do you remember so testifying?

Mr. STALLONE. I do.

Mr. DOYLE. Now, don't you have any idea why they excluded you? (The witness conferred with his counsel.)

Mr. DOYLE. I would think you had, after only a year.

(The witness conferred with his counsel.)

Mr. STALLONE. I prefer not to guess as to what the reason is.

If the court or the committee is interested, I suggest that they ask RCA what the reason was. I would be just guessing. I prefer not to.

Mr. DOYLE. We do not want you to guess, sir. I am not asking you for a guess.

It was not on account of your health, was it?

Mr. STALLONE. I really wouldn't know.

Mr. DOYLE. They did not tell you it was on account of your health, did they?

Mr. STALLONE. They didn't say that.

Mr. DOYLE. They did not tell you it was on account of your union membership, did they?

(The witness conferred with his counsel.)

Mr. STALLONE. No; they didn't tell me that. They didn't tell me anything, as a matter of fact.

Mr. DOYLE. They did not tell you it was on account of your not being an expert repairman, did they?

Mr. STALLONE. They didn't tell me anything.

Mr. DOYLE. Other men go into that security area to make repairs, do they not?

Mr. STALLONE. That is right.

Mr. DOYLE. But you can't go any more. Have you not made any effort to find out why they would pick on you and exclude you from jacking in any more in the security area?

(The witness conferred with his counsel.)

Mr. DOYLE. Have you not made any effort to find out?

(The witness conferred with his counsel.)

Mr. STALLONE. No; I did not make any effort to find out. As far as I was concerned, my work went on just the same. I'll tell you, a very small portion of my work was in that area. The exclusion from it made no difference for me.

Mr. DOYLE. Made no difference?

Mr. STALLONE. I had no reason to want to go into that area.

Mr. DOYLE. Didn't you ask your union steward to find out why, if he could?

Mr. STALLONE. No.

Mr. DOYLE. No?

Mr. SCHERER. You indicated that you have no idea as to why you were excluded, why your employer excluded you from this sensitive area. Do you have any knowledge why the CIO expelled this union of which you are now president of the local?

(The witness conferred with his counsel.)

Mr. RABINOWITZ. What is the form of the question? May I ask that the question be repeated, please?

(The record was read by the reporter.)

(Counsel conferred with the witness.)

Mr. STALLONE. Well, I know what reasons the CIO gave, if you prefer. If you want to hear what I know as their reasons, I will tell you.

Mr. SCHERER. Go ahead. That is what I asked for.

Mr. STALLONE. They said the reasons why we were expelled from the CIO was that this union consistently followed the Communist Party line. This was the reason they gave. I don't believe that is true, but that is the reason they gave. That is the question.

Mr. SCHERER. That is the reason they gave for expelling you. That was the reason for their action in expelling you?

Mr. STALLONE. The reason they gave for their action.

Mr. DOYLE. What were the reasons in your judgment?

Mr. STALLONE. I wouldn't venture to say that.

Mr. DOYLE. We are not inquiring on confidential union matters. We do not intend to go into that. It is your business.

Let me ask you this: How long have you been president of Local 10?

Mr. STALLONE. About 5 years.

Mr. DOYLE. About 5 years?

Mr. STALLONE. Yes.

Mr. DOYLE. How many years ago was it that the CIO expelled the union of which you have been president for 5 years, on account of their claim that it was Communist controlled, or for following the Commie Party line?

Mr. STALLONE. I think 7 years.

Mr. DOYLE. Seven years?

Mr. SCHERER. May I interrupt for one question, Mr. Doyle?

Mr. DOYLE. Yes, indeed.

Mr. SCHERER. You said that the CIO expelled your union because it claimed that it was Communist dominated. Was the CIO's claim true or false?

Mr. STALLONE. That wasn't what I said.

Mr. SCHERER. All right. Let me put it to you this way: Was the CIO's action in expelling your union on the basis of its being Communist dominated correct when it did that?

Mr. STALLONE. That wasn't what I said either.

Mr. SCHERER. Well, I realize you didn't say that. I withdraw all those questions. I will put to you another question, then.

Let me ask you: Was your union, in fact, Communist dominated at that time?

Mr. STALLONE. Absolutely not.

Mr. SCHERER. Or at this time?

Mr. STALLONE. Not at that time or any time.

Mr. SCHERER. Were you a member of the Communist Party at that time?

Mr. STALLONE. I must refuse to answer that question on the grounds previously stated.

Mr. SCHERER. Isn't it a fact that practically all of the leaders of the union at that time were members of the Communist Party, as testified to by Mr. Mignon and other witnesses who have appeared before this committee a few weeks ago?

Mr. STALLONE. I must again refuse to answer on the grounds previously stated.

Mr. DOYLE. I noticed in answer to Mr. Scherer's question to you that you observed that you had not testified that it was Communist controlled. You said the CIO did say that you were following the Communist line. That was your testimony, was it not?

Mr. STALLONE. Substantially.

Mr. DOYLE. Substantially. Did you know that Mr. Mignon, when he was a leader in your union, 7 years ago, was a member of the Communist Party? He came in here and voluntarily cleaned his dirty linen and testified that he was a Communist at the time you were. Did you know he was a Communist?

(The witness conferred with his counsel.)

Mr. STALLONE. I must refuse to answer on the grounds previously stated.

Mr. DOYLE. You couldn't hurt him. He came in here as a patriotic American citizen and said he was. You can't hurt his reputation any more than he has.

Now, about Finsmith. Did you know he was a Communist? He also came to us voluntarily and said Sure, I was a Communist, but I have cleaned up, and I want to help the United States Government protect itself against this subversive garbage. Did you know that he was a Communist at the time you were in the union?

(The witness conferred with his counsel.)

Mr. STALLONE. I must refuse to answer on the same grounds.

Mr. DOYLE. Another member of the union—what was his name?

Mr. ARENS. Iannucci.

Mr. DOYLE. Iannucci. He testified voluntarily. Let me ask this:

You have been president of this local for 5 years. What have you done, if anything, what has your local done, if anything, in the 5 years, to try to change the conditions which the CIO expelled your union for, or have you claimed all these 5 years that the CIO was wrong, that they had no basis: is that your claim?

Mr. STALLONE. It is not only a claim, it is a fact.

Mr. DOYLE. A fact?

Mr. STALLONE. Yes.

Mr. DOYLE. Some of us know it is not a fact; some of us know that a bunch of you executive officers were at that time—and we believe still are—members, technically, of the Communist Party. And I have no understanding of why a man like you, the head of one of the American trade unions in a sensitive area, very sensitive, very, very sensitive, for our national security, don't put yourself in a position where you can come in here and honestly say, if it is an honest statement, "Yes, I was a Communist a year ago, 6 months ago, but I got out, and I want to help the Government understand the problem." Why don't you get yourself in that position before many hours, instead of having to come in and say what you do? I invite you to do so and urge you to do so, and be a vigorous, vigilant leader of your union, furthering national security, instead of staying in the position you are in.

Are there any other questions?

(There was no response.)

Mr. DOYLE. Thank you, Witness. You are excused. And, counsel, thank you.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Willis Chew.

Kindly come forward, Mr. Chew, and remain standing while the chairman administers the oath to you.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHEW. I do.

Mr. DOYLE. Thank you.

TESTIMONY OF WILLIAM JOHNSON CHEW, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. CHEW. Willis, W-i-l-l-i-s, J—for Johnson, Chew, C-h-e-w.

Mr. ARENS. Your residence, please, sir?

Mr. CHEW. 333 East 43d Street, New York City.

Mr. ARENS. And your occupation?

Mr. RABINOWITZ. What was that?

Mr. ARENS. And your occupation?

Mr. CHEW. Radio technician, operating technician.

Mr. ARENS. You are appearing today, Mr. Chew, in response to a subpoena that was served upon you by the House Committee on Un-American Activities?

Mr. CHEW. Am I appearing, you say?

Mr. ARENS. Yes, sir.

Mr. CHEW. Yes, I am.

Mr. ARENS. And you are represented by counsel?

Mr. CHEW. Yes, sir; I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. Where and when were you born, Mr. Chew?

Mr. CHEW. Philadelphia, 1905.

Mr. ARENS. And please give us a word about your formal education?

Mr. CHEW. Grammar school and then adult education of my own, some technical and otherwise.

Mr. ARENS. How long have you been engaged in the communications industry?

Mr. CHEW. 36 years.

Mr. ARENS. And give us, if you please, just a thumbnail sketch of the principal employments that you had in that industry.

Mr. CHEW. United States Navy, 6 years, RCA Communications, 30.

Mr. ARENS. And tell us the service that you had in the Navy.

Mr. CHEW. Six years.

Mr. ARENS. When?

Mr. CHEW. 1921 to 1927.

Mr. ARENS. In what capacity?

Mr. CHEW. Radio-operator technician.

Mr. ARENS. Did you immediately thereafter engage yourself to the RCA Communications facilities?

Mr. CHEW. I did.

Mr. ARENS. And tell us, if you please, sir, the various jobs that you held in RCA?

Mr. CHEW. Clerk for a few months, radio operator for about 18 years, radio-operating technician for about, oh, somewhere near 12.

Mr. ARENS. How long have you been engaged in your present assignment?

Mr. CHEW. My particular assignment today?

Mr. ARENS. Yes, sir.

Mr. CHEW. Somewhat—about a year's time, I guess.

Mr. ARENS. And you are now a radio technician?

Mr. CHEW. Oh, my present assignment as radio-operating technician, about 12 years ago.

Mr. ARENS. Do you, in the course of your routine discharge of your duties have access to any messages emanating from the Government of the United States?

Mr. CHEW. Communications are rather complicated. At any particular time you can't say for sure. I would say to assist the committee, yes, that some time or other, I do.

Mr. ARENS. Do you have access to some confidential or restricted messages to the Government of the United States?

Mr. CHEW. That is also rather difficult. Technically, things are quite complicated in communications, and perhaps 90 percent I would say negative and maybe perhaps 10 percent, to assist the committee, yes.

Mr. ARENS. Do you have access to the security section of the RCA plant?

Mr. CHEW. At the present time the section called the security section I am excluded from.

Mr. ARENS. When were you excluded from the security section?

Mr. CHEW. About, as I say, a year ago.

Mr. ARENS. Were you excluded by written order or by oral conversation?

Mr. CHEW. An oral conversation, I believe.

Mr. ARENS. With whom?

Mr. CHEW. I don't particularly remember if I can say with whom. Perhaps it was—

Mr. SCHERER. I am sorry. I can't hear the witness.

Mr. CHEW. I say I am not exactly sure with whom it was. It was very likely with either Mr. Taylor or, let's see, there is another gentleman there, Mr. Jamason, I believe it is.

Mr. ARENS. Give us their positions, please. What are they, officers?

Mr. CHEW. I am not sure. I don't read the directory, and I am not exactly sure, but I believe it is with personnel.

Mr. ARENS. How frequently did you actually physically gain admission to the security section?

Mr. CHEW. Before?

Mr. ARENS. Prior to the time you were ordered to be excluded?

Mr. CHEW. I was there all the time—most all of the time.

Mr. ARENS. Over what period of time were you engaged in that section?

Mr. CHEW. Eleven years. I think that makes it about 11.

Mr. ARENS. During the course of your work in the security section of RCA, did you have access to confidential or restricted messages of the Government of the United States?

Mr. CHEW. Whatever went through RCA Communications I had access to.

Mr. ARENS. Did you have access to confidential and restricted messages of the Government of the United States?

Mr. CHEW. If they passed through.

Mr. ARENS. Did you have access to them?

Mr. CHEW. Well, I presume they do. I am not a mindreader. I don't read them. I can't determine whether scramblers or these things are confidential or whether they are not.

Mr. ARENS. Did you have access to coded messages of the Government of the United States?

Mr. CHEW. If they passed through the RCA Communications.

Mr. ARENS. Did they pass through the security section?

Mr. CHEW. I would take for granted that they did.

Mr. ARENS. Do you know whether they did or not?

Mr. CHEW. Taxes and death I am positive of—nothing else.

Mr. ARENS. Did you see scrambled messages or coded messages in the security section?

Mr. CHEW. I can say yes, I think.

I would say that I did. I said I would try to assist the committee.

Mr. ARENS. Yes?

Mr. CHEW. Yes. If you like to have it, it is "Yes."

Mr. ARENS. Do you know a man by the name of Michael Mignon?

Mr. CHEW. Yes.

Mr. ARENS. How long have you known him?

Mr. CHEW. Well, I knew him many years ago. I would say close to 30 years.

Mr. ARENS. In what capacity did you know him?

Mr. CHEW. Well, when he worked with RCA.

Mr. ARENS. Did you know him in any other capacity?

(The witness conferred with his counsel.)

Mr. CHEW. What other capacity do you have in mind?

Mr. ARENS. Do you have any other capacity in mind?

Mr. CHEW. No; I don't.

Mr. ARENS. Did you ever belong to any organization of which he was a member?

Mr. CHEW. Yes; the union.

Mr. ARENS. Any other organization?

Mr. SCHIERER. I am sorry, Witness. Would you speak up? It is not coming over.

What was the answer to the last question?

Mr. ARENS. He said: "Yes, the union." He has not responded to the current question.

(The witness conferred with his counsel.)

Mr. CHEW. Are you referring to the Communist Party?

Mr. ARENS. Yes, sir.

(Witness conferred with his counsel.)

Mr. CHEW. I am not a member of the Communist Party.

Mr. ARENS. I didn't ask you that.

Mr. RABINOWITZ. What is the question?

Mr. ARENS. Did you know Michael Mignon as a Communist?

(The witness conferred with his counsel.)

Mr. CHEW. I decline to answer that on the grounds as stated in Mr. Grumman's brief and on the fifth amendment.

Mr. DOYLE. I wish to inform the witness that the brief that you refer to, this committee will not adopt as part of your answer. We would like to accommodate you, but that is not before the committee this morning. I don't want you to rely on something that we will not rely on as far as your testimony is concerned.

(The witness conferred with his counsel.)

Mr. CHEW. Counsel advises me that the Supreme Court has ruled to the contrary, and I prefer to take his position, sir, if you don't mind.

Mr. DOYLE. We never object to the witness relying upon his own counsel's advice.

Mr. RABINOWITZ. And the Supreme Court's.

Mr. DOYLE. We will follow the Supreme Court. We know what those decisions are, too. But I did not want you misled, Witness, by thinking that because you stated you are going to rely upon the brief of a witness who was before this committee 2 or 3 weeks ago, that we were going to let you inferentially believe we were accepting that as part of your answer; is that clear?

You follow your own counsel's advice. We are not asking you to follow our advice.

Mr. ARENS. Were you a member of the Communist Party a year ago?

Mr. CHEW. No.

Mr. ARENS. Were you a member of the Communist Party 5 years ago?

Mr. CHEW. No.

Mr. ARENS. Do you presently know people in the communications facilities at RCA who, to your certain knowledge, have been members of the Communist Party?

(Counsel conferred with the witness.)

Mr. CHEW. I decline to answer on the grounds stated.

Mr. ARENS. What grounds?

Mr. CHEW. That of Mr. Grumman's brief and the fifth amendment.

Mr. ARENS. Were you under Communist Party discipline a year ago?

Mr. CHEW. No.

Mr. ARENS. Were you under the Communist Party's discipline 5 years ago?

Mr. CHEW. No.

Mr. ARENS. Kindly raise your voice.

Mr. CHEW. No.

Mr. ARENS. Are you a member of the American Communications Association?

Mr. CHEW. Yes, I am.

Mr. ARENS. How long have you been a member of that organization?

Mr. CHEW. As long as it has existed.

Mr. ARENS. Have you ever held an office or post in the ACA?

Mr. CHEW. No.

Mr. ARENS. Were you a member of the Communist Party at the time of the expulsion of the American Communications Association by the CIO in 1950?

Mr. CHEW. The answer is "No."

Mr. ARENS. Have you ever disassociated yourself from the Communist Party?

(The witness conferred with his counsel.)

Mr. CHEW. I refuse to answer on the grounds stated.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully, while you are under oath, whether or not you had disassociated yourself from the Communist Party, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. CHEW. I might be subjected to an unjustified prosecution, sir.

Mr. ARENS. Have you ever received instructions or directions from the Communist Party respecting the program of the Communist Party in undertaking to penetrate the communications facilities of this Nation?

(The witness conferred with his counsel.)

Mr. CHEW. I refuse to answer that on the grounds stated.

Mr. ARENS. Do you presently have information respecting the program or policies of the Communist Party, with reference to the communications facilities of this Nation?

Mr. CHEW. No, sir.

Mr. ARENS. When did you last have such information?

(The witness conferred with his counsel.)

Mr. CHEW. I decline to answer that, sir, on the grounds of the reasons stated.

Mr. ARENS. Do you have any idea why you were excluded from access to the security section of RCA?

Mr. CHEW. I understand that my security clearance was lifted, sir.

Mr. ARENS. What do you mean your security clearance was "lifted"?

Mr. CHEW. I had a yellow badge and they took it away from me.

Mr. ARENS. What significance does a yellow badge have?

Mr. CHEW. I can get into the security area with one; without one, I can't.

Mr. ARENS. Now, in the section in which you are presently engaged, are coded messages processed?

Mr. CHEW. No, sir.

Mr. ARENS. Do you have any access directly or indirectly to coded messages?

Mr. CHEW. No, sir.

Mr. ARENS. Do you have any access presently to any Government messages, irrespective of whether they are coded or not?

Mr. CHEW. Well, there might be certain levels of Government, say State, or local governments, or something of that nature, that I perhaps might have, but I am not sure, of the United States Government.

Mr. ARENS. Have you ever obtained any directions or information via the route of the Communist Party on techniques or objectives of the Communist Party looking toward sabotage of the communications facilities?

Mr. CHEW. Would you give me that question again?

Mr. ARENS. Mr. Reporter, would you kindly repeat it for the witness and counsel?

(The record was read by the reporter.)

(The witness conferred with his counsel.)

Mr. CHEW. Not to my knowledge.

Mr. SCHERER. I understand your answer to that question to be not to your knowledge?

Mr. CHEW. The answer is "No."

Mr. ARENS. Michael Mignon took an oath before this committee about 10 days ago, and testified that while he was a member of the Communist Party he knew you to a certainty to be a Communist.

We would like to give you an opportunity now to deny that identification, if you care to avail yourself of it.

(The witness conferred with his counsel.)

Mr. CHEW. I decline to answer that, sir, on the grounds stated before.

Mr. ARENS. Was Mignon in error or was he correct?

Mr. CHEW. Same answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that that will conclude the staff interrogation of this witness.

Mr. DOYLE. Mr. Frazier, do you have any questions?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. Mr. Scherer, do you have any questions?

Mr. SCHERER. Yes.

Do you know what the objective of the Communist Party was in attempting to control the Communications Workers association?

(The witness conferred with his counsel.)

Mr. CHEW. Would you read that back to me now, the last question, please?

(The record was read by the reporter.)

Mr. RABINOWITZ. Will you read that again?

Mr. CHEW. I would like to have a clarification. Are those words "Communications Workers Association"? Is that the name?

Mr. ARENS. He means the American Communications Association.

Mr. RABINOWITZ. He has been saying the "Communications Workers Association" all day. There is a Communications Workers of America. It is very confusing.

Mr. CHEW. There is a difference. There is the Communications Workers of America that Mr. Mignon works for. And the question is very unscientific, if you don't mind. That is the objection.

Mr. SCHERER. Let us make it scientific. What is the name of your union?

Mr. CHEW. American Communications Association.

Mr. SCHERER. The American Communications Association.

Mr. CHEW. The American Communications Association as against the Communications Workers of America, which Mr. Mignon is now associated with.

Mr. SCHERER. All right.

Mr. CHEW. I know nothing about the CWA.

Mr. SCHERER. Well, do you know the objective of the Communist Party in attempting to control your union?

(The witness conferred with his counsel.)

Mr. CHEW. I am rather confused.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Mr. RABINOWITZ. Could the question be reread? I don't understand it either.

Mr. DOYLE. Will you please read the question for the benefit of counsel and the witness?

(The record was read by the reporter.)

Mr. RABINOWITZ. The witness has not testified about any such objective or any such control.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question.

Mr. DOYLE. The question did not say he had so testified. I call counsel's attention to that. It is a direct question.

Mr. CHEW. Well, I never so testified, sir.

Mr. DOYLE. We didn't say you had, sir.

(The witness conferred with his counsel.)

Mr. DOYLE. Do you understand the question?

Mr. RABINOWITZ. Is there a question pending?

Mr. DOYLE. Oh, yes. We had it reread for your benefit.

Mr. RABINOWITZ. But you didn't direct the answer.

Mr. DOYLE. I did not. I will direct him now that we cannot accept that answer as sufficient. Witness, please answer the question.

(The witness conferred with his counsel.)

Mr. DOYLE. It is as clear as crystal.

(The witness conferred with his counsel.)

Mr. CHEW. I decline to answer on the grounds stated, because it is rather nebulous like. I am not sure I understand it.

Mr. SCHERER. Declining to answer because the question is nebulous—that is the only reason?

Mr. CHEW. I didn't say that was the only reason.

Mr. SCHERER. What is your other reason for declining to answer the question, other than that you think it is nebulous?

(The witness conferred with his counsel.)

Mr. CHEW. Well, I will decline entirely, sir, on the grounds stated.

Mr. SCHERER. What grounds?

Mr. CHEW. Mr. Grumman's brief and the fifth amendment.

Mr. SCHERER. Isn't it a fact that the Communists did control your union? Isn't that a fact?

(The witness conferred with his counsel.)

Mr. CHEW. I was under the impression that the membership controlled it.

Mr. SCHERER. You deny that the Communists controlled your union?

Mr. CHEW. I can only give you my impression, sir. I thought the membership controlled it.

Mr. SCHERER. Let me ask you this: Isn't it a fact that your union was expelled by the CIO because CIO contended that you were Communist-dominated, controlled?

(The witness conferred with his counsel.)

Mr. CHEW. Counsel advises me that it was not exactly that, that it was our union was supposed to have followed the Communist Party line. I am not sure exactly what the nature of the expulsion was about. I have not been active in the union for many years.

Mr. SCHERER. He hasn't been connected with what?

Mr. RABINOWITZ. He said he hasn't been active.

Mr. CHEW. Active in the union for many years.

Mr. SCHERER. I am talking about the time you were active. You are a member?

Mr. CHEW. I am a member, yes. Whether it was union policies—I am not exactly sure why they have been expelled.

Mr. SCHERER. You haven't heard?

Mr. CHEW. Counsel advised me.

Mr. SCHERER. Is this the first time, when counsel advised you, that you heard why your union was expelled from the CIO?

Mr. CHEW. The exact word for word, the reason why, I am not sure I recall it.

Mr. SCHERER. Is this the first time, when counsel told you, that you knew that your union was expelled by the CIO for following the Communist Party line?

Mr. DOYLE. Seven years ago.

Mr. CHEW. The exact wording is what I had in mind, given by the CIO. I am not sure I ever read the resolution or something on the floor of the CIO, is what I had in mind. I am not sure that I read that. I was sure we were expelled.

Mr. SCHERER. You were sure you were expelled?

Mr. CHEW. Yes.

Mr. SCHERER. And why were you expelled?

Mr. CHEW. The definition of the resolution I was not positive about.

Mr. SCHERER. What did it have to do with?

(The witness conferred with his counsel.)

Mr. CHEW. Probably a difference in policies. I am not exactly sure. I didn't have the proceedings of the convention when they were expelled, sir.

Mr. SCHERER. I am not asking you whether you had the proceedings. You know, as a matter of fact, do you not, that your union was expelled because the CIO contended at least that you were following

the Communist Party line? Isn't that what you just said to us a few minutes ago?

(The witness conferred with his counsel.)

Mr. CHEW. That is what counsel advised me, sir—yes.

Mr. SCHERER. Then before counsel advised you just a few minutes ago, you had no idea as to why your union was expelled from the CIO, is that right?

Mr. CHEW. I didn't say I didn't have an idea. I wasn't exactly sure of the resolution that expelled us. I was sure we were expelled.

Mr. SCHERER. You are sure it was expelled. But you didn't know for what reason?

Mr. CHEW. As to the resolution expelling them I was not positive of the resolution.

Mr. SCHERER. All right.

Mr. DOYLE. Do you have any other questions, Mr. Scherer?

Mr. SCHERER. No.

Mr. DOYLE. May I ask the witness:

For how many years were you in our United States Navy?

Mr. CHEW. Six years.

Mr. DOYLE. And received an honorable discharge, of course?

Mr. CHEW. I did.

Mr. DOYLE. And how long have you been with the company?

Mr. CHEW. Thirty years.

Mr. DOYLE. Thirty years. Well, I want to compliment you on that employment.

I observed you answered the question of counsel that you have not been in the Communist Party 5 years ago. Do you remember so testifying?

Mr. CHEW. Yes.

Mr. DOYLE. And that you are not a Communist now? I want to ask you a question, and perhaps you can help us. I hope so.

A function of the committee in these particular hearings is to see if we can come up with some remedial corrective legislation in the field of subversive activities, if in the field of communications, in which you have been concerned for some 30 years.

Mr. CHEW. Thirty-six years.

Mr. DOYLE. Thirty-six years.

Do you have any suggestion as to legislation that Congress should consider to further protect this sensitive area of communications, to protect the national security of this Nation, against persons or groups of persons who might have a desire and a plan to injure, wreck or control, directly or indirectly our communications with other nations, and especially in wartime? Do you have suggestions for any such legislation?

Mr. CHEW. I think there is a considerable body of law restricting certain activities in communications, on the record today, I believe. They were quite adequate, I believe, in the last war—they appeared to be. There were no additional ones made, I believe. That is my belief.

Mr. DOYLE. Who was quite active in the Government?

Mr. RABINOWITZ. He said the laws were quite adequate in the last war.

Mr. CHEW. They appeared to be that way, since there was——

Mr. DOYLE. Well, do you think they are adequate?

Mr. CHEW. I wouldn't——

Mr. DOYLE. That is my question. Do you have any suggestions? (Counsel conferred with the witness.)

Mr. DOYLE. No. We want your answer, not your counsel's.

Mr. CHEW. I would like to know the exact technical meaning of it. I don't have any answer, I am sure. I am a technician.

Mr. DOYLE. You work in a sensitive area, in an area of communications. You testified that possibly 10 percent of the messages that come across your attention may be Government messages. The testimony of the other witness today and Mr. Mignon and Mr. Finsmith and others shows very definitely that this communications area is an area over which messages are sent, for instance, RCA and otherwise, over the North Atlantic cables.

Mr. CHEW. We don't have a North Atlantic cable, sir.

Mr. DOYLE. Sir?

Mr. CHEW. We don't have a North Atlantic cable, sir.

Mr. DOYLE. I know you don't. I say that is what they testified to—it still is communications.

Have you any suggestion as to where we should tighten or change or modify or strengthen our legislation?

Mr. CHEW. I haven't.

Mr. DOYLE. You have been in the hearing room all morning. I have seen you here. You heard the transcript read of Mr. Mignon's testimony, and he was active in the Communist Party and in the union. You know that.

Now, he testified, as you heard his testimony read, that the Communist Party has given directions to try and take control of your union in the field of communications. Is there any way, bearing that testimony in mind, that you feel in your 36 years of experience that your Government—which you served in the Navy—should further protect itself against subversive, unpatriotic agents of some miserable outfit that entered this country? Have you any suggestion?

Mr. CHEW. I am afraid I don't. No; I don't, sir.

Mr. DOYLE. All right, sir.

Mr. ARENS. Have you ever been a member of an underground group of the Communist Party?

(The witness conferred with his counsel.)

Mr. CHEW. I don't exactly understand. What is the nature of this underground business?

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

Mr. DOYLE. Do you mean you don't know what the term "underground" refers to? Is that the reason you are hesitating? Do I understand that that is the reason you are counseling?

Mr. RABINOWITZ. Everybody understands what "underground" means. It is just "underground Communist movement" that I assume the witness doesn't understand.

Mr. DOYLE. Well, maybe, Mr. Arens, as long as the witness claims he doesn't know about any Communist movement, maybe you had better elaborate a little bit for him, at least, and help him out.

Mr. ARENS. You know what "underground" means, an underground operation?

Mr. CHIEW. I think so.

Mr. SCHERER. You can answer "No" if you do not understand what "underground" means.

Mr. ARENS. He just said he thinks he knows what an underground operation is.

Now, tell us, have you ever been a member of an underground—
(The witness conferred with his counsel.)

Mr. ARENS. Group or cell of the Communist Party?

Mr. RABINOWITZ. May we have the whole question read?

(The record was read by the reporter.)

Mr. CHIEW. I decline to answer on the grounds given the committee.

Mr. ARENS. Now, I put it to you as a fact, sir, based upon investigation of the staff of this committee, that you were a member of the underground group of the Communist Party in the communications field. I ask you now, while you are under oath, to affirm or deny that assertion.

(The witness conferred with his counsel.)

Mr. CHIEW. I refuse to answer on the same grounds.

Mr. DOYLE. Are there any further questions?

Mr. ARENS. No, sir.

Mr. DOYLE. Judge Frazier?

Mr. FRAZER. I have no questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. DOYLE. The witness is excused. There are no further questions.

Mr. ARENS. The next witness, if you please, will be Mr. Bernard Silber.

Kindly come forward, Mr. Silber, and remain standing while the chairman administers the oath to you.

Mr. DOYLE. Mr. Silber, please raise your right hand.

Do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SILBER. I do, sir.

Mr. DOYLE. Please take the witness chair.

TESTIMONY OF BERNARD SILBER, ACCOMPANIED BY VICTOR RABINOWITZ, COUNSEL

Mr. ARENS. Kindly identify yourself by name, residence and occupation?

Mr. RABINOWITZ. All right. If we are going to have more pictures, let's get them over with before we start.

Mr. SILBER. The question, please?

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SILBER. My name is Bernard—B-e-r-n-a-r-d—Silber, S-i-l-b-e-r, residence 504 Grand Street, New York.

Mr. ARENS. And your occupation?

Mr. SILBER. Service writer for Western Union Telegraph.

Mr. ARENS. You are appearing today, Mr. Silber, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. SILBER. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. SILBER. That is correct.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. How long have you been engaged as a service writer?

Mr. SILBER. Forty-one years.

Mr. ARENS. And have you been engaged as a service writer all that time at Western Union?

Mr. SILBER. That is correct.

Mr. ARENS. Did you have any other job at Western Union besides service writer?

Mr. SILBER. I think for 2 years I was a service clerk, which is just before you become a service writer.

Mr. ARENS. Give us just a thumbnail sketch, Mr. Silber, if you please, of your duties as a service writer?

Mr. SILBER. Messages—I will put it this way: We handle messages after they have been transmitted, and they are referred to our department for certain types of handling, messages undelivered. We report and handle complaints from senders regarding deliveries, nondeliveries, immediate service, messages that come in bearing wrong checks, or what—wrong number of words. We manage to get the record for purposes of charging properly and so forth.

Mr. ARENS. Have you or have you not access to confidential or restricted messages of any kind of the Government of the United States?

Mr. SILBER. Government messages are handled in the usual course of events.

Mr. ARENS. Just answer the question, please, sir. Do you have access to Government messages?

Mr. SILBER. In my line of work I would say "Yes."

Mr. ARENS. Do you have access to Government security messages, coded messages of any kind?

Mr. SILBER. Coded messages; yes. We have no way of telling whether they are security messages or not.

Mr. ARENS. You have access to Government coded messages; is that correct?

Mr. SILBER. That is correct.

Mr. ARENS. Have you now or have you ever been a member of the Communist Party?

Mr. SILBER. I must answer that in two ways. I am not a member of the Communist Party; I was a member of the Communist Party.

Mr. ARENS. When were you a member of the Communist Party?

Mr. SILBER. Well, if I may answer my way, I was a member for a brief period. Oh, from approximately 1948. I almost immediately drifted away. I wasn't too much interested. I was never active. I probably attended meetings for a year or so and then very rarely, and then, within a few years, I just was out.

Mr. ARENS. What cell did you belong to, Mr. Silber, at that time? (The witness conferred with his counsel.)

Mr. SILBER. Just what do you mean by "cell"?

Mr. ARENS. What group of the Communist Party were you a member of?

(The witness conferred with his counsel.)

Mr. SILBER. It had no real name, no designation for it of any kind.

Mr. ARENS. Who enlisted you in the Communist Party?

(The witness conferred with his counsel.)

Mr. SILBER. I must decline to answer that, sir.

Mr. ARENS. Why?

Mr. SILBER. On the basis—I have a short statement prepared, if I may—I must decline to answer on the grounds set forth in the decision of the Supreme Court in the Watkins and Sweezy cases, and the statement filed with the committee by Mr. Grumman on July 18, including (1) the lack of jurisdiction of the committee; (2) my rights under the first amendment; (3) the vagueness of the resolution setting up this committee; and (4) the lack of pertinency of this committee.

Mr. DOYLE. May I inquire?

Mr. SILBER. Yes.

Mr. DOYLE. Of course, you didn't prepare that yourself. Your legal counsel—

Mr. SILBER. It was prepared in conjunction with counsel.

Mr. DOYLE. Yes.

You have been in the hearing room all morning?

Mr. SILBER. Yes.

Mr. DOYLE. And you heard me state to the last witness that we would not accept—and made it clear to him, I am sure, that we would not accept his reference and stated reliance upon a brief filed by someone else or offered by some other witness on July 17 or 18 before this committee?

Mr. SILBER. Yes.

Mr. DOYLE. I want to make it clear to you, therefore, regardless of what your own legal counsel advised you, this committee does not rely in any way upon your reference to the brief of the gentleman on July 17 or 18, as a valid ground of objecting to answer the question. Is that clear to you?

(The witness conferred with his counsel.)

Mr. SILBER. All right.

Mr. DOYLE. All right.

Mr. ARENS. Before we proceed, if you are—

Mr. SCHERER. Just a minute, Mr. Arens.

Mr. ARENS. I beg your pardon.

Mr. SCHERER. You refused to answer Mr. Arens' question as to the person who recruited you in the Communist Party. You refused to identify that person.

Now, without identifying him or telling us his name, is that person still a member of the Communist Party today?

(The witness confers with his counsel.)

Mr. SILBER. I have no knowledge of such.

Mr. SCHERER. Is he still associated in the same type of work you are associated in?

(The witness confers with his counsel.)

Mr. SCHERER. As a communications worker?

Mr. SILBER. To the best of my knowledge he is no longer in the industry.

Mr. SCHERER. Was he a communications worker?

Mr. SILBER. I must decline to answer that on the same grounds.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I direct you to answer the question.

Mr. SILBER. I must decline.

Mr. DOYLE. I didn't hear you.

Mr. SILBER. I must still decline.

Mr. ARENS. Mr. Chairman, I respectfully suggest that I be permitted to explain to the witness why it is pertinent to this inquiry for us to insist that this witness tell us whether or not the person who recruited him into the Communist Party was at that time in the communications field as a communications worker.

Now, Mr. Witness, this committee is considering legislation to safeguard this Nation from possible espionage or sabotage facilities by Communists.

If the person who enlisted you into the Communist Party was engaged in the communications field, that person undoubtedly would have some information which would be of use to this committee in developing facts respecting Communist penetration of the communications facilities of this country.

Therefore, I respectfully suggest now, Mr. Chairman, that this witness be ordered and directed to tell the committee whether or not the person who recruited him into the Communist Party was, to his knowledge, engaged in the communications industry.

(The witness conferred with his counsel.)

Mr. DOYLE. Go ahead, continue your counsel with the witness.

Mr. RABINOWITZ. I understand that counsel asked for a direction.

Mr. ARENS. That is correct.

Mr. DOYLE. I will make the direction when you are through counseling the witness.

Mr. RABINOWITZ. I suggest, Mr. Chairman, you make the direction first. If you do not make your direction, I will not have to counsel the witness.

Mr. DOYLE. I want to say to the witness before I make the direction: You were in the hearing room all this morning, Witness?

Mr. SILBER. That is correct.

Mr. DOYLE. And you heard me read my opening statement; did you not?

Mr. SILBER. I believe I did, yes.

Mr. DOYLE. You believe you did. Now, I direct you to answer counsel's question. I direct you to answer that last question. He has explained to you the pertinency, and my opening statement explained the pertinency of this investigation also.

Mr. ARENS. And so that there can be no question on this record, the question presently asked and outstanding is for you to please tell the committee whether or not the person who recruited you into the Communist Party was himself engaged in the communications industry.

(The witness conferred with his counsel.)

Mr. SILBER. May I have a short recess, please, for a few moments?

Mr. RABINOWITZ. May we have a moment or two to consult on this?

Mr. DOYLE. Yes; go ahead and take it.

(At this point a short recess was taken, after which the hearing was resumed.)

Mr. DOYLE. The committee will please come to order again, after a few minutes' recess, and the record will show that all three persons who are members of the subcommittee are personally present.

Proceed, Mr. Arens.

Mr. ARENS. There is a question outstanding on the record and the witness wanted to confer with counsel, and I take it he has conferred and he is now ready to give his response to the question.

Mr. SILBER. After consultation with counsel, I decided I must answer that on the grounds, on the reasons stated previously, in addition I wish to add the question—

Mr. DOYLE. Well, previously stated in the statement you read?

Mr. SILBER. That is right.

Mr. DOYLE. That will be sufficient.

Mr. SILBER. Including the matter of personal conscience which prevents me from doing things that I am not sure of, and also on the grounds that I don't see what this question has to do with the question propaganda which this committee is concerned with.

Mr. ARENS. Mr. Chairman, when you said that would be sufficient, I take it you wanted the record to reflect his reasons are sufficiently set forth in the record but that this committee does not accept his reasons and directs him and orders him to give a response.

Mr. DOYLE. That is correct.

We are not accepting the reasons; we are merely stating that the reference to the same statement you said was prepared with the assistance of counsel, and which you previously read will be sufficient for you to refer to that as reasons why you refuse to answer this instead of taking the time to reread it.

Mr. SILBER. That is right.

Mr. ARENS. Mr. Witness, I want to make a statement to you.

On the basis of extensive staff investigation it is the judgment of the staff that there is now in the establishment in which you are engaged at least one cell of the Communist Party operating.

We should like to have you tell us now whether or not there are any persons engaged at Western Union who at any time have been known by you to be Communists.

Mr. SILBER. I think I must decline to answer that question on the grounds stated.

Mr. ARENS. I say to you that the pertinency of that question is this:

If you do have such information and if we can get the names of those people and if we can get them to testify, we will have information which will form a solid foundation upon which this committee can recommend legislation to the Congress, to protect the security of this Nation.

I therefore, Mr. Chairman, respectfully suggest now that the witness be ordered and directed to answer the question which is outstanding on this record.

Mr. DOYLE. I make that direction.

Counsel now for the second time has explained the pertinency of the other question, and that same explanation plus this explanation as to pertinency applies.

(The witness confers with his counsel.)

Mr. SILBER. The fact is, having been out of the party—

Mr. SCHERER. I didn't hear that.

Mr. SILBER. Having been out of the group so long I have no knowledge of anyone at this time of the people—no knowledge of anyone

being a member, who was a member of that group, being a member of that group today. I can't—

Mr. ARENS. You know that isn't the question I asked you.

Let us get the record clear.

Mr. RABINOWITZ. Let's give the reason for the question.

Mr. ARENS. Counsel, you know your sole and exclusive prerogative is to advise your client as to his legal rights.

You know what the question is, and you understand it. If you do not understand it say "I don't understand it."

The question is: Do you, Mr. Witness, know people who are presently engaged in Western Union in the communications facilities who at any time have been known by you to be Communists?

(The witness conferred with his counsel.)

Mr. SILBER. I must decline to answer that for the same reasons.

Mr. ARENS. Now, Mr. Witness, let the record carry forth the same explanation that I gave to you a few moments ago as to why I regard this question as pertinent.

And I respectfully suggest, Mr. Chairman, that the record now reflect an order and direction of the witness to answer the question.

Mr. DOYLE. I direct you to answer the question, Witness. We do not feel that your answer is sufficient and cannot accept it here.

Mr. SILBER. I must still decline. I am sorry.

Mr. SCHERER. As I understand it, in refusing and in declining to answer this last question and the previous question, you are not refusing to do so on the basis of the fifth amendment?

Mr. SILBER. That is correct.

Mr. SCHERER. All right.

Mr. RABINOWITZ. May I address the Chair just for a moment on this? There is a legal issue involved?

Mr. DOYLE. No. We are not settling issues here. This is not a court.

Mr. RABINOWITZ. I would like to clarify the reference to the fifth amendment. There are many parts of the fifth amendment.

Mr. DOYLE. You clarify it with your witness, not with us.

(Counsel conferred with the witness.)

Mr. SILBER. I am stating I am not relying on the self-incriminating clause of the fifth amendment.

Mr. DOYLE. Judge Frazier? Have you any questions?

Mr. FRAZIER. I have no questions.

Mr. DOYLE. Have you any further questions, Mr. Scherer?

Mr. SCHERER. I have no further questions.

Mr. DOYLE. May I ask this, Witness:

When you first began to answer questions here, you volunteered the statement, in answer to the question, that you had been a Communist?

Mr. SILBER. That is correct.

Mr. DOYLE. Do you remember doing that?

Mr. SILBER. That is correct.

Mr. DOYLE. All right.

Now, why did you do that?

Mr. SILBER. I probably was interested. It is hard to explain, probably for theoretical grounds or some other grounds.

Mr. DOYLE. Why did you withdraw from the Communist Party?

Mr. SILBER. I lost—

Mr. DOYLE. After being in it a few years, as you testified?

Mr. SILBER. It wasn't a few years, sir; it was relatively short. I lost interest in it. I found I wasn't interested enough to do anything about it.

Mr. DOYLE. Why weren't you interested in the Communist Party group that you were in? What did you find about it that didn't keep your interest?

Mr. SILBER. Well, it simply didn't. I had other interests probably, that kept me more occupied. I didn't think sufficiently of it to keep me there.

Mr. DOYLE. You attended meetings quite frequently.

Mr. SILBER. Not frequently, sir. I might say frankly, after a very short time I attended the meetings infrequently. In other words, it was just a complete drifting away and it took such a time.

Mr. DOYLE. What caused you to drift away?

Mr. SILBER. I stated I was no longer interested in it. I don't believe that I was politically conscious in the first place; it wasn't interesting, and I just drifted away. I never formed too many opinions on it, and that was it.

Mr. SCHERER. What union do you belong to?

Mr. SILBER. The American Communications Association.

Mr. SCHERER. Were any of the officers of your union members of the Communist Party at the time you were a member of the Communist Party?

Mr. SILBER. I must decline to answer that, sir.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I direct you to answer the question.

Mr. SILBER. I must decline on all the grounds previously stated.

Mr. SCHERER. Were any of the present officers of your union members of the Communist Party at the time you were in the party?

Mr. SILBER. I must decline for the same reasons. I must decline to answer.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I direct you to answer the question.

Mr. SILBER. I must decline to answer.

Mr. SCHERER. And those questions were asked you for the same reasons that Mr. Arens, our counsel, gave you for asking the other questions. They are pertinent for the same reasons that he advanced.

Mr. DOYLE. May I inquire for one question?

Mr. SILBER. Yes, sir.

Mr. DOYLE. Have you any suggestions to this committee, and therefore, your Congress, in the field of legislation, anything you think or suggest that we might consider legislation which would protect the security of this Nation against any subversive activities, sabotage, or interference with Government messages, either in time of war or peace?

Mr. SILBER. Frankly, I don't consider myself qualified to offer any suggestions along technical lines or things of that sort. I really don't consider myself qualified in offering any suggestion.

Mr. DOYLE. I want to compliment you in getting out of the Communist group when you did. I also hope the time will come before long when you will feel it is also your duty and your obligation to

yourself and family and your Nation to come to Congress and help us understand the Communist Party as you understood it when you got out of it. You got out of it, although you have not given us the full reasons here today, I don't feel, you got out of it for some other reasons. You were dissatisfied with it. It had no attraction for you.

Now, why didn't it? I do not think you have given us the full answer, and I wish you would come to the point where you can help us. Try to do that, will you?

Mr. SILBER. I am sorry.

Mr. DOYLE. You needn't be sorry. I have given you an invitation.

Mr. SILBER. I have given you the best answer that I could under the circumstances. I have a conscience to protect, and other things. I am sorry.

Mr. DOYLE. The witness is excused, and counsel.

The committee today is continued to Friday, August 9, at 10 a. m. in this room.

(Whereupon, at 12:15 p. m., Friday, August 2, 1957, the subcommittee recessed to August 9, 1957, at 10 a. m.)

INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 1

FRIDAY, AUGUST 9, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to notice, at 2:13 p. m., in the caucus room, Old House Office Building, Washington, D. C., Mr. Clyde Doyle (chairman of the subcommittee)

Committee members present: Clyde Doyle, of California (appearance as noted), and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director, W. Jackson Jones and Louis J. Russell, investigators.

Mr. SCHERER (presiding). The committee will come to order.

Will you call your first witness, Mr. Arens.

Mr. ARENS. Mrs. Greenberg, would you kindly come forward. Please remain standing while an oath is administered to you.

Mr. SCHERER. Will you step up here and raise your right hand.

You do solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mrs. GREENBERG. I do swear, so help me, God, sir.

Mr. SCHERER. Will you be seated, please.

TESTIMONY OF CONCETTA PADOVANI GREENBERG

Mr. ARENS. Would you please identify yourself by name, residence, and occupation.

Mrs. GREENBERG. I am Mrs. Concetta Greenberg. I am a Western Union worker. I live at 52 Westervelt Avenue, Staten Island, N. Y.

Mr. ARENS. Mrs. Greenberg, you are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. GREENBERG. I am.

Mr. ARENS. How long have you been employed by Western Union?

Mrs. GREENBERG. Since 1927.

Mr. ARENS. Tell us, if you please the various jobs that you have held with Western Union.

Mrs. GREENBERG. I started on route aiding, and I route-aided for 12—

Mr. SCHERER. We cannot hear you.

Mrs. GREENBERG. I route-aided. I started out route-aiding, and I route-aided for many years. And I helped out on the route center early at night once in a while, and then I went into the D. and A. bureau, and I have been in the D. and A. bureau for the last 17 years, approximately.

Mr. SCHERER. What is the D. and A. bureau?

Mrs. GREENBERG. Distributing and addressing. We handle local deliveries and materials that go out to newspapers, magazines, and business firms, et cetera.

Mr. ARENS. Now, Mrs. Greenberg, tell this committee have you ever been a member of the Communist Party?

Mrs. GREENBERG. I was a member of the Communist Party.

Mr. ARENS. And tell us, if you please, the period of your membership in the Communist Party.

Mrs. GREENBERG. I joined in 1936; until approximately 1949, the end of 1948.

Mr. ARENS. And where did you join the Communist Party?

Mrs. GREENBERG. In New York City.

Mr. ARENS. Kindly tell us the branches, units, or cells of the Communist Party to which you were attached while you were in the Communist Party.

Mrs. GREENBERG. The communications cell, the communications branch.

Mr. ARENS. What was the name of that? Just the communications branch?

Mrs. GREENBERG. No. It was called 16-B or something like that. It is so long ago.

Mr. ARENS. Where did the communications branch of the Communist Party to which you were attached operate?

Mrs. GREENBERG. We met at various places.

Mr. ARENS. Did you hold any offices or posts of responsibility in this branch of the Communist Party?

Mrs. GREENBERG. At one time I collected dues and also took them over to 12th Street, which was the party headquarters.

Mr. ARENS. Then what caused you to become disassociated from the Communist Party?

Mrs. GREENBERG. It was a very slow process of inner unquiet or disquiet, unease and dissatisfaction with my real principles and the feeling—well, my mind wasn't at rest, my heart wasn't at rest. In my case I felt I couldn't deny my God. I am a Catholic, and I will always be, and I didn't like the atmosphere.

Gradually got worse and worse—the feeling. I didn't like the atmosphere of always having to agree or else you were a big traitor.

I know and saw what it did to others. And for any disagreement you were either a reactionary or a Trotskyite or some such thing.

Mr. ARENS. During the course of your experience in the Communist Party, did you receive any indoctrination or training by the Communist Party in the objectives of the Communist Party in the communications industry?

Mrs. GREENBERG. Well, we read pamphlets and books and discussed them in a form of indoctrination, I will say, and that the ultimate struggle was for a socialization the world over.

Mr. ARENS. By a socialization, do you mean communization?

Mrs. GREENBERG. That is right; and everything belonged to the people, in quotes, and——

Mr. ARENS. Did you receive any training or instructions with respect to any revolutionist tactics in connection with the communications industry?

Mrs. GREENBERG. Well, it was a favorite slogan that an enlightened minority would do the job, would do the trick, as it was always pointed out as we read that in Russia it was always the enlightened minority, in quotes, that did the trick.

Mr. ARENS. By "the trick" what do you mean? Take over the industry?

Mrs. GREENBERG. That had brought about the changes, the revolution.

Mr. ARENS. Now during the course of your membership in the Communist Party, were you likewise active in a labor organization?

Mrs. GREENBERG. Yes.

Mr. ARENS. What was the name of that group?

Mrs. GREENBERG. It started out as ARTA.

Mr. ARENS. What did that mean?

Mrs. GREENBERG. I believe American Radio Telegraphers Association. It later became the ACA, American Communications Association.

Mr. ARENS. Did you hold any office in the American Communications Association?

Mrs. GREENBERG. Several times I was shop steward, and I believe three times I was on the executive board of the union.

Mr. ARENS. Do you know the top leadership of the ACA now?

Mrs. GREENBERG. They are Mr. Selly, Mr. Kehoe.

Mr. ARENS. Excuse me just a moment.

Would you be good enough to call those names out, give us the full names and then give us their titles.

Mrs. GREENBERG. Mr. Joseph Selly, president of the ACA.

Mr. Joseph Kehoe, vice president—no—he is the secretary-treasurer. And there is Mr. Louie Siebenberg.

Mr. ARENS. What is his status?

Mrs. GREENBERG. He is the chairman of Local 40.

Mr. ARENS. Of ACA?

Mrs. GREENBERG. Of ACA.

Mr. ARENS. In New York City?

Mrs. GREENBERG. That is right.

There is Mr. John Weiners, the vice chairman. And Mr. Alfred Doumar. He is secretary-treasurer, I believe. I haven't been too active in the last few years.

Mr. ARENS. Do you know that all of these persons you have just named were members of the Communist Party during the time that you were a Communist?

* * * * *

Mrs. GREENBERG. I know Mr. Joseph Selly, Mr. Joseph Kehoe, Mr. Louie Siebenberg, Mr. Alfred Doumar, Miss Mollie Townsend——

Mr. ARENS. As Communists?

Mrs. GREENBERG. Yes.

Mr. ARENS. Did you serve in closed Communist Party meetings with each of them?

Mrs. GREENBERG. I did.

Mr. SCHERER. Pardon me just a minute.

When, Witness, did you say you left the party?

Mrs. GREENBERG. Approximately 1948-1949; something like that. I just drifted away. I probably should have sent in a notice of resignation, but I drifted away.

Mr. ARENS. Mrs. Greenberg, during the course of your experience in the ACA as an officer, while you were a Communist, did you become acquainted with the shop steward system?

(Representative Clyde Doyle, chairman of the subcommittee, entered the hearing room at this point.)

Mrs. GREENBERG. Yes; because I was a shop steward several times.

Mr. ARENS. On the average, how many shop stewards are there in the ACA operations in New York City?

Mrs. GREENBERG. When I was active we had quite a number of shop stewards, including the commercial and traffic. We had—I am not going to be pinned down, but there must have been about 40 shop stewards.

Mr. ARENS. As to these shop stewards, were their posts actually caused to be assumed by the leadership of the ACA? In other words, were they really responsible to the leadership of the ACA?

Mrs. GREENBERG. Oh, yes, certainly.

Mr. ARENS. They were the picked men of the Communists in the ACA; is that correct?

Mrs. GREENBERG. No, not the 40; by no means.

Mr. ARENS. I say were they the picked men? Were they picked by the leadership? Is that correct?

Mrs. GREENBERG. Not picked by the leadership. They were voted by the membership. But the key people, of which I was one, we all always maneuvered ourselves into the position where we would win.

Mr. ARENS. How many of the shop stewards were under the direct or indirect discipline of the Communist Party leadership?

Mrs. GREENBERG. Oh, I would say about 10.

Mr. ARENS. How many of the shop stewards were themselves Communists?

Mrs. GREENBERG. Of all the number that I mentioned?

Mr. ARENS. Yes.

Mrs. GREENBERG. There was only that handful, I would say; that 10.

Mr. ARENS. During the course of your membership in the Communist Party and during the course of your service in the Western Union in various jobs which you have described, did you have occasion to see confidential messages?

Mrs. GREENBERG. Oh, yes; I have seen them. I saw them during the war and after the war.

Mr. ARENS. Do you now see confidential messages?

Mrs. GREENBERG. Yes, I do.

Mr. ARENS. Are confidential messages now processed by Western Union personnel in New York City—confidential Government messages?

Mrs. GREENBERG. I beg your pardon. I don't know what you mean by processed.

Mr. ARENS. Do Western Union employees in New York City have access to Government confidential messages?

Mrs. GREENBERG. Yes, I would say we do. It is in code. We don't understand it, but we do have it.

Mr. ARENS. Do you understand any of it?

Mrs. GREENBERG. When I see words like "proving grounds" or something to do with tests. But, truthfully, we try not—we do our work and we try to do it correctly, but we try not to concentrate on the message itself. We don't want to remember.

Mr. ARENS. Have you seen, or do you process, messages about the nuclear tests that are going on right now? Confidential Government messages?

Mrs. GREENBERG. I see confidential Government messages, but I couldn't say that they are exactly—they are actually about the nuclear tests.

Mr. ARENS. Have you seen any about the nuclear tests?

Mrs. GREENBERG. I have seen the words "proving grounds" in messages, and I have gotten the impression that it concerned that type of activity.

Mr. ARENS. What type of activity?

Mrs. GREENBERG. To do with the nuclear.

Mr. ARENS. Nuclear tests? Are these messages in code?

Mrs. GREENBERG. Yes, many of them are in code.

Mr. ARENS. But some of them not in code are confidential: is that correct?

Mrs. GREENBERG. Well, they are worded so that one could not really get a message out of them.

Mr. ARENS. Do you see in some of these confidential messages allusions to the testing of the atom bomb and the hydrogen bomb?

Mrs. GREENBERG. I have seen—I will put it this way: I have seen messages that, if there were unfriendly people about, they could use them very nicely.

Mr. ARENS. You mean dangerously to the security of this country?

Mrs. GREENBERG. That is right.

Mr. ARENS. Tell us, do you know a woman by the name of Sally Goldstein Freestone?

Mrs. GREENBERG. I know Sally Goldstein Freestone.

Mr. ARENS. Did you know her as a Communist during the period of your membership in the Communist Party?

Mrs. GREENBERG. I knew her as a Communist for many years.

Mr. ARENS. Have you served in closed Communist Party meetings with Sally Freestone?

Mrs. GREENBERG. Yes.

Mr. ARENS. Do you see Sally Freestone in this room here today?

Mrs. GREENBERG. I see Sally Freestone.

Mr. ARENS. Where is she?

Mrs. GREENBERG. The lady in green.

Mr. ARENS. Sitting here in this room?

Mrs. GREENBERG. Sitting with Mr. Kehoe.

Mr. ARENS. Where is she employed?

Mrs. GREENBERG. The City Route Center in New York City.

Mr. ARENS. You say she is sitting with Mr. Kehoe in this room?

Mrs. GREENBERG. Mr. Kehoe is the treasurer of our union, the national office.

Mr. ARENS. Joseph Kehoe. Did you know him as a member of the Communist Party when you were a Communist?

Mrs. GREENBERG. Yes, I did.

Mr. ARENS. Where does Sally Freestone work?

Mrs. GREENBERG. In 60 Hudson Street, New York City, the City Route Center.

Mr. DOYLE (presiding). May I inquire there?

How did you know that gentleman? Why do you say you knew him as a member of the Communist Party?

Mrs. GREENBERG. Because I was in closed meetings with him.

Mr. DOYLE. What kind of closed meetings?

Mrs. GREENBERG. Back in the late 1930's and the early 1940's and after 1946 also.

Mr. DOYLE. Closed meetings of what group?

Mrs. GREENBERG. We met at various places.

Mr. DOYLE. What group?

Mrs. GREENBERG. Of the communications cell of the landline. We would be called the landline people; not the cable side.

Mr. DOYLE. A closed cell of what?

Mrs. GREENBERG. Of Communists.

Mr. DOYLE. Thank you.

Mr. ARENS. Do you now testify under oath that you knew the man seated next to Mrs. Sally Freestone as a Communist?

Mrs. GREENBERG. I knew Joseph Kehoe as a Communist.

Mr. ARENS. Now during the course of your membership in the Communist Party did you know a number of people as Communists who were engaged in the communications field?

Mrs. GREENBERG. I did.

Mr. ARENS. Have you conferred with myself and with other members of the staff with reference to the facts as you have known them?

Mrs. GREENBERG. Yes, sir.

Mr. ARENS. Do you have before you now a list of names of persons that you have given to the staff here, persons known by you to a certainty to have been members of the Communist Party?

Mrs. GREENBERG. I have.

Mr. ARENS. As to each of these persons, have you served with him or her in a closed Communist Party meeting?

Mrs. GREENBERG. I have.

Mr. ARENS. Would you kindly tell us the name of each of these persons, and give us just a word of description concerning each one of them.

Mrs. GREENBERG. Mr. Joseph Selly. I knew him way back in the late 1930's. He was a leader of our group.

I knew Joseph Kehoe. He did a lot of instructing and analysis on material we read, U. S. S. R., and so forth.

I knew Mrs. Ruth Blatt or Bollinger. Ruth Blatt Bollinger.

Mr. ARENS. If you will excuse me a moment, please. Mrs. Greenberg.

As you proceed tell us not only a word about the individual, the identification, the characterization, but also tell us the incidents con-

cerning how you know those persons who are presently employed at Western Union or in the communications field.

Mrs. GREENBERG. Well, Joseph Selly is the president of the union.

Mr. ARENS. That is the ACA?

Mrs. GREENBERG. Of the ACA. You consider that—

Mr. ARENS. That is within the communications field.

Mrs. GREENBERG. I see. He is president of the ACA, and he was also one of our leaders in our cell, our Communist cell.

Mr. ARENS. Do these persons who are leaders of the ACA, whom you have identified as Communists and with whom you have served in the Communist Party—do they love the United States of America? Could you give us your judgment on that.

Mrs. GREENBERG. Well, I will say from my own experience, before I became honest with myself—

Mr. ARENS. I was asking principally about those named.

Mrs. GREENBERG. They believe they are more patriotic than everybody that is patriotic.

Mr. ARENS. Why?

Mrs. GREENBERG. Because they feel this country is, well, not run the way it should be run. It is not run in the interest of the people, so to speak.

Mr. ARENS. What is their attitude toward the Soviet Union?

Mrs. GREENBERG. That was the leader of the workers of the world.

Mr. ARENS. What was their attitude while you were in the Communist Party toward Joseph Stalin?

Mrs. GREENBERG. He was practically idolized, almost as a god.

Mr. DOYLE. I wonder, Mr. Arens, while this witness is a friendly witness—I grant that—I think the form of that question “How do they feel; what was their feeling” should be changed. I wonder if it should be asked and answered that way. I wonder if it should not be asked—

Mrs. GREENBERG. Well, I will say this—

Mr. DOYLE. You see my point. What were their activities; what were their statements in your presence? I think that is quite different. In other words, I do not think you are qualified to testify what their feelings were.

Mrs. GREENBERG. One of the greatest men that ever lived. And some thought of him as the greatest man that ever lived.

Shall I go on?

Mr. DOYLE. Excuse me for interrupting.

Mrs. GREENBERG. I said Joseph Kehoe was very active in the cell, and he did a great deal of instructing and analyzing for us on the U. S. S. R. and the revolution in the U. S. S. R. and what they called dialectics and so on.

Ruth Blatt was also a very active, highly trained very ardent Communist.

Mr. ARENS. If you please, be sure and tell us those who are presently engaged in communications, and where.

Mrs. GREENBERG. All right. Those presently engaged.

Aaron Shapiro is dead.

Rudy Ortner, although he is very inactive, never dropped out of the party to my knowledge.

Mr. ARENS. Where is he employed, please?

Mrs. GREENBERG. In D. & A. Bureau in Western Union with me.

Mr. ARENS. Does he have access to confidential or restricted messages?

Mrs. GREENBERG. As much as any of us have.

Mr. ARENS. Kindly proceed to the next one, please.

Mrs. GREENBERG. Sally Goldstein Freestone was a party member, and I met with her; I sat in with her in closed party meetings.

Mr. ARENS. Where is she employed?

Mrs. GREENBERG. 60 Hudson Street, City Route Center.

Mr. ARENS. In what capacity?

Mrs. GREENBERG. As a route clerk.

Mr. ARENS. Does she have access to confidential messages?

Mrs. GREENBERG. As much as anyone else.

Mr. ARENS. Next name, if you please.

Mrs. GREENBERG. Michael Goldstein. He never dropped out of the party as far as I know.

Mr. ARENS. Where is he now?

Mrs. GREENBERG. City Route Center in New York City.

Mr. ARENS. Does he have access to these confidential or restricted Government messages?

Mrs. GREENBERG. As much as anyone else.

Mr. ARENS. And the next name, please.

Mrs. GREENBERG. Frank Lagos. He is now suspended from the company by the company. As far as I know, they never dropped out of the Communist Party. Lola Lagos is a housewife. She is out of the industry.

William Bender was not in our group. He was in broadcast although he belonged to the same Communist fraction. We used to say fraction when I was in the party.

Mr. ARENS. Where is he now, please?

Mrs. GREENBERG. As far as I know, he is with the Broadcast Division of ACA.

Mr. ARENS. And he is engaged in communications in New York City?

Mrs. GREENBERG. That is right.

Mr. ARENS. Did you know him as a Communist?

Mrs. GREENBERG. That is right.

Mr. ARENS. Do you have another name there?

Mrs. GREENBERG. Clair Feller. I also met with her in closed Communist meetings.

Mr. ARENS. Where is she now?

Mrs. GREENBERG. She is an operator at 60 Hudson Street, New York City.

Mr. ARENS. In Western Union?

Mrs. GREENBERG. That is right.

Mr. ARENS. Does she have access to confidential and security information?

Mrs. GREENBERG. As much as anyone else.

Mr. ARENS. The next name, please.

Mrs. GREENBERG. Frank Grumman. Although he is not with Western Union, I knew him as a Communist, and he works for one of the other communications—what is it? Mackay?

Mr. ARENS. RCA?

Mrs. GREENBERG. Or RCA.

Mr. DOYLE. May I interrupt there? I think it is important. Maybe we can lay a foundation for the witness' statement "I knew him as a Communist."

Mr. ARENS. We have an introductory statement.

Mr. DOYLE. By her?

Mr. ARENS. By the witness to the effect that every person on this list is a person with whom she has served in a closed party meeting.

Mr. DOYLE. Excuse me.

Mr. ARENS. She is only now giving a word of description with reference to each.

Mr. DOYLE. I beg your pardon. That is sufficient, certainly.

Mrs. GREENBERG. Vincent Trautman. I sat in closed fractions with him.

Mr. ARENS. Where is he now?

Mrs. GREENBERG. RCA.

Mr. ARENS. Is he engaged in communications with RCA?

Mrs. GREENBERG. Yes. As far as I know, he is still engaged.

Some of them have been suspended. I don't know really—

Mr. ARENS. Some of them have been suspended since these hearings of ours began?

Mrs. GREENBERG. Yes. I don't know just which ones.

Mr. ARENS. Is there any other person known by you to a certainty to have been a Communist?

Mrs. GREENBERG. Yes. Louie Siebenberg.

Mr. ARENS. Where is he now?

Mrs. GREENBERG. ACA local office, Local 40.

Dominick Panza, Local 40. I also met him in closed Communist cell meetings.

Mr. ARENS. Is Dominick Panza an officer of Local 40, ACA?

Mrs. GREENBERG. That is correct.

Mr. ARENS. Do you recall what office he holds?

Mrs. GREENBERG. I don't know right off.

Mr. ARENS. You know he is an official of ACA?

Mrs. GREENBERG. He is an official, yes. And Charlie Silberman. He is the newspaper editor of the ACA News. I sat in with him at closed membership, closed cell meetings.

Mr. ARENS. Of the Communist Party?

Mrs. GREENBERG. Of the Communist Party. And, likewise, Alfred Doumar.

Mr. ARENS. And where is Mr. Doumar? Where is he engaged?

Mrs. GREENBERG. In ACA, Local 40. He is the secretary-treasurer.

Mr. ARENS. That is a full-time job, is it not?

Mrs. GREENBERG. Yes, sir.

Mr. ARENS. And he was a Communist to your knowledge, is that correct?

Mrs. GREENBERG. Yes. I sat in with him.

Miss Mollie Townsend. She is the, I believe, recording secretary of Local 40, ACA, and I sat in with her also.

Samuel Rothbaum. Although he dropped out a long time ago, I sat in with him also.

Edith Alberts dropped out a long time ago, and I sat in with her also.

Rose Margulis is out of the industry.

Mr. ARENS. Do you know where she is employed?

Mrs. GREENBERG. I don't know. She is a housewife as far as I know.

Sam Testa—

Mr. DOYLE. When you say she "dropped out" do you mean she dropped out of the Communist Party?

Mrs. GREENBERG. No, I don't know. I mean they left the industry, and after that I don't know a thing about them.

Mr. DOYLE. That is what you refer to when you say they dropped out?

Mrs. GREENBERG. I will be a little more explicit.

Mr. DOYLE. Please.

Mrs. GREENBERG. Yes.

Mr. ARENS. Next name, if you please.

Mrs. GREENBERG. Sam Testa. He was with either Mackay or RCA. I don't know which.

Mr. ARENS. Either with Mackay or RCA?

Mrs. GREENBERG. Yes. I sat with him also in fractions.

And Josephine Timms. She is out of the industry.

And Jack and Murray Winocur. I sat with them at fraction meetings.

Mr. ARENS. Where are Jack and Murray Winocur?

Mrs. GREENBERG. I don't know too much about them any more. Truthfully I haven't seen them in years.

Mr. ARENS. Is there any other person known by you to have been a member of the Communist Party?

Mrs. GREENBERG. Yes. There is John Campbell and Harold Greenberg, my husband.

Mr. ARENS. John Campbell. Where does he live?

Mrs. GREENBERG. Jersey City. And I sat in once or twice where John Campbell and I were cell mates.

Jeanette Kotzun, as far as I know, dropped out of the party. I sat in closed cell meetings with Charlie Merlino.

Mr. ARENS. With reference to John Campbell, do you have any information other than the information you have already given us on this record?

Mrs. GREENBERG. No. The only information I know is that his party book was once seen by Western Union supervisors, and he was admonished. But that was all. But he was very frightened about it, but nothing came of it.

Mr. ARENS. Is there another name?

Mrs. GREENBERG. Harold Greenberg, my husband. I never sat in on any closed meetings with him, because he was a night worker, and they met in the afternoon.

Mr. ARENS. Is he out of the party now?

Mrs. GREENBERG. He is my status.

Charles Merlino. I sat in on closed meetings with him. He is a supervisor of Western Union.

Mr. ARENS. A supervisor now in Western Union?

Mrs. GREENBERG. He is a supervisor in Western Union in the D. and A. bureau.

Mr. ARENS. What is the D. and A. bureau?

Mrs. GREENBERG. Distributing and addressing.

Mr. ARENS. Does he have access to confidential and security information of the Government?

Mrs. GREENBERG. As much as anyone else there.

Mr. ARENS. Do you have another name there?

Mrs. GREENBERG. Tony Napoli. He dropped out years ago.

Mr. ARENS. He dropped out?

Mrs. GREENBERG. Never resigned, but he just became very inactive in the party years ago.

Mr. ARENS. I see. Do you know where he is employed?

Mrs. GREENBERG. In the D. and A., distributing and addressing department.

Mr. ARENS. Of Western Union?

Mrs. GREENBERG. Yes.

Likewise, Tommy O'Keefe came to several meetings and then just drifted away.

Mr. ARENS. Where is Tommy O'Keefe?

Mrs. GREENBERG. Also in distributing and addressing.

And then Betty Fishgold, who is now out of the communications, but I met with her in closed-cell meetings.

Mr. ARENS. Is there any other person who was, to a certainty, known by you to have been a Communist because of your attendance with that person in a closed Communist Party meeting?

Mrs. GREENBERG. I don't recall right off.

Mr. ARENS. Did the ACA, the American Communications Association, to your knowledge, engage in any activities other than activities which we might describe as communication workers' activities, any political activities?

Mrs. GREENBERG. We were very political.

Mr. ARENS. What did they do?

Mrs. GREENBERG. We tried to, at all the meetings—we always tried to slant the meetings toward political gain for the party; and at that time there were people who heckled the U. S. S. R., openly hostile, and it was always planned at cell meetings how to run the union meetings so they would be taken care of. In other words, gotten off the floor as fast as possible.

Mr. ARENS. During the course of your membership in the Communist Party and your employment at Western Union, did you have access to messages respecting the deployment of troops, United States troops?

Mrs. GREENBERG. During the war, yes.

Mr. ARENS. Were those secret messages?

Mrs. GREENBERG. Well, as far as—they were confidential.

Mr. ARENS. Confidential messages?

Mrs. GREENBERG. As all Western Union messages are confidential.

Mr. ARENS. And you had access to those?

Mrs. GREENBERG. Surely.

Mr. ARENS. You have told us in private conversation that you, as an individual, because of your firm religious convictions and your personal integrity, never transmitted to any person not authorized to receive the same, confidential or restricted information.

Mrs. GREENBERG. No, sir.

Mr. ARENS. Is that correct?

Mrs. GREENBERG. That is correct.

Mr. ARENS. And you disassociated yourself from the Communist Party wholly on a voluntary basis?

Mrs. GREENBERG. That is correct.

Mr. ARENS. Because you were disgusted with the Communist Party?

Mrs. GREENBERG. That is right.

Mr. ARENS. Is that correct?

Mrs. GREENBERG. That is correct.

Mr. ARENS. Have you heard any of the officers of the American Communications Association give instructions or suggestions with respect to the world Communist movement and the extent to which the Communist operation in the United States was a part of it?

Mrs. GREENBERG. We considered ourselves part of the world revolutionary movement, and they said it had to be changed, and there had to be a change in the form of the government. There had to be a change, a nationalization of the industries and natural resources, and that sort of talk.

Mr. ARENS. In the event of a war between the United States of America and the Soviet Union, what would be the position of the leadership of the American Communications Association as evidenced to you by their instructions, conversations?

Mrs. GREENBERG. They may deny it, but I would say this:

They certainly adored the U. S. S. R., or did while I knew them.

Mr. ARENS. We have no further questions of this witness, Mr. Chairman.

Mr. SCHERER. I have no questions.

Mr. DOYLE. May I inquire briefly because I interrupted you, madam, when you were saying that they felt so and so—you remember?—and I suggested that you tell us what they did or what they said.

What was said, if anything, in the Communist Party cell meetings when you were present about the position of the Communist Party in this country, or at least in your cell, on any subject dealing with our own National Government.

Mrs. GREENBERG. It was business of the Communists to control the unions and to put themselves in such positions in the industries as to be of the greatest use on the day that any change would occur or would be brought about. The idea was that a union that was a political union was a good union, and a union that was not politically concerned was—the inference was that it was just no good. And for a while they went along that way, even the people who opposed the Communists, until the leadership there finally got the point across.

Put it this way: they wanted no politics at the union meetings, and, so, some sort of a middle ground evolved.

Mr. DOYLE. Now do I understand then that in the Communist cell of which you were a member and about which you testified, that in that cell Communist Party leaders told you and the other Communists present that there was going to be a change of some sort?

Mrs. GREENBERG. Not in so many words, but we studied pamphlets and books and said we were preparing ourselves on what took place in the U. S. S. R.; and for instance, we went to see the picture *Ten Days That Shook the World*, and the Soviet Union was held up as the example for all the workers' parties and all the countries of the world. In other words, she was the model, she was to be followed. And, in other words, it wasn't told in so many words to a person, but you could figure it out. I felt that was the model of happiness on earth, true brotherhood and freedom, and the end of depression and so forth. I deluded myself for a number of years, until I found out—it was

slowly—that there was no such thing. I was projecting my own wishes. Because, as I found out through the union cell, there was no freedom of expression, true freedom of expression or true freedom of thought. If you weren't in with their thinking, you were just plain out of luck.

Mr. ARENS. Have you received any threats or suggestions since you were requested to appear today?

Mrs. GREENBERG. Not yet.

Mr. ARENS. Are you apprehensive in that regard?

Mrs. GREENBERG. Well, knowing the history and knowing what has happened to others, and having been through a strike where things were done, I thought it was legitimate also—I will say that—we figured, well, we have to win that strike. But, knowing all that, the pattern, I would expect anything to happen, and I am not being dramatic. What they did to Helen Yewell. They said she was crazy, dramatic, unbalanced, and sick, and so forth and so on.

Mr. ARENS. You expect to receive recriminations against yourself?

Mrs. GREENBERG. I certainly expect it, but I will give them a fight.

Mr. DOYLE. Well, possibly this is a case then that we ought to take up and consider whether or not we should have this lady continued under Federal Government subpoena.

Mr. ARENS. We were going to suggest that, Mr. Chairman, in view of her statements in staff consultation about her fears of possible recriminations.

Mrs. GREENBERG. They are going to write it up beautifully in ACA with all their innuendoes and inferences and what not. So I expect them to be very bitter and to do a job on me, in other words.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this lady now be continued under the subpoena, but be excused from further testimony.

Mr. DOYLE. Mr. Scherer, did you hear the statement of our committee director, that this lady who has just testified is in fear of possible recrimination, possible harm, bodily harm, because of her helpful testimony here today?

And I ask the question whether or not we should continue her under Federal Government subpoena.

Mr. SCHERER. I think she should be continued indefinitely under subpoena, and I think people will understand.

Mr. DOYLE. Then that will be the order.

Mrs. GREENBERG. Frankly, sir, I will fight for my rights anywhere and everywhere.

Mr. DOYLE. No one has the right to lay hands on you or put you in a state of fear because of your testimony.

Mrs. GREENBERG. I will not live where people cannot disagree without living in fear of their lives.

Mr. SCHERER. Does the witness understand, Mr. Doyle, the protection she has as long as she is under subpoena of this committee?

Mr. DOYLE. Will you state it, Mr. Scherer.

Mr. SCHERER. As long as you are under subpoena of this committee, any individual who attempts to harm you in any way or threaten you is subject to penalties under the law.

Mrs. GREENBERG. I hope it will never come to that, sir.

Mr. SCHERER. We do, too.

Mrs. GREENBERG. I don't wish anyone harm.

Mr. DOYLE. May I ask this question: With reference to the relationship of the Communist Party cell of which you were a member, what was the relationship of that cell to the union of which all the members of the cell were also members? In other words, did or did not the Communist Party cell actively extend and try to control the union?

Mrs. GREENBERG. Yes, sir.

Mr. DOYLE. What did you want to control the union for?

Mrs. GREENBERG. The business of the union was always on the agenda of the cell meetings.

Mr. DOYLE. What did you want to control the union for?

Mrs. GREENBERG. Well, a good union was only a union that was politically controlled by the right people. You know what I mean. For instance, in Latin America the unions, to my knowledge, were very politically minded. They were controlled by people also who favored the U. S. S. R. greatly. And they talked about what wonderful unions they were. And many times they were disgusted with the American labor movement and called them names because they wouldn't persist in being all one-minded politically.

Mr. DOYLE. You said that you tried to slant the union meetings. Slant them to what?

Mrs. GREENBERG. It was during the war. We tried our best to take advantage of the climate of the times and get people favorable to the U. S. S. R. And if anyone got up at any time to remind us that communism was in the U. S. S. R. and still, war or no war, ally or no ally, they still were enemies, then the idea was to get them off the floor by certain tactics, parliamentary tactics, it is true. But it was done so as to make them look foolish, to make them look reactionary, and then the name calling that they were reactionary, they were Christian Fronters, they were Nazis or things like that, in order to make them lose all effectiveness.

Mr. DOYLE. How many years were you in the Communist Party, actively?

Mrs. GREENBERG. Oh, actively, I was in the Communist Party from 1936 to the end of 1943.

Mr. DOYLE. Why did you get out?

Mrs. GREENBERG. Then I didn't attend meetings for the next 2 years, when they transferred us to community cells. I tried to get out then, and then came the strike.

Mr. SCHERER. She has already testified to that, Mr. Chairman.

Mr. DOYLE. All right. My colleague tells me you testified to that before I got here from the floor of Congress.

What was your motive in coming here and testifying as a friendly witness?

Mrs. GREENBERG. Because I have, for years now, never liked the idea. It is a clique there, just like the Soviet Union. You cannot disagree even honestly, and no one runs against them, no one could run against them. It is so controlled. If they want you to lose, you lose; if you try to run for any position there—for instance, an honest rank-and-filer could not run against any one of the top boys. They are not qualified. The people will never be qualified who are not trained or given a chance.

Mr. DOYLE. You are referring to union elections?

Mrs. GREENBERG. That is right. I am talking about the union. There is no real freedom of expression, freedom of thought, freedom of speech. If you are out of favor with that clique down there at Bridge Street and Leonard Street, well, you are just out of luck.

Mr. DOYLE. May I ask you one more question.

This committee is interested—and that is why we have had these hearings—not only to find the extent to which the Communist Party was in control or infiltrated into our sensitive communications system, dealing with our national defense and security, but to see in what way, if any, we might suggest legislation to Congress dealing with the subversive activities in our country, especially in the field of communications.

Have you any suggestions to give us?

Mrs. GREENBERG. I honestly believe this, that anyone who is not loyal to our way of life, which, to me, means the right to pass petitions, the right to free speech, the right to disagree, the right to assemble, I wish to say this, and I say it to anyone to their faces: If they were in power these rights would go by the board; if they were in power we would not be able to pass a petition.

They passed a petition in Western Union for the Rosenbergs and the legacies, and I say to them they have the right to pass the petition. But here is the rub: If they were in power, we wouldn't have the right to pass the petition.

Mr. DOYLE. If who was in power?

Mrs. GREENBERG. Any honest Democrat, Progressive, Republican, or Vegetarian. If they passed a petition I would give them the right—I would fight for their right to pass a petition. If they were in power and I tried to pass a petition disagreeing with them on anything, I would be a Trotskyite, I would be a Nazi or a Christian Frontier or something.

Mr. DOYLE. To whom do you refer when you say "if they were in power"?

Mrs. GREENBERG. These Communists, the Communists I knew.

Mr. DOYLE. Now may I ask do you have any suggestion to Congress in the field of legislation? Have you thought of that at all?

Mrs. GREENBERG. Well, I don't think it is in my position to suggest legislation.

Mr. DOYLE. All right.

Mrs. GREENBERG. There are more qualified people, I am sure.

Mr. DOYLE. Yes, but you were a former active Communist leader, and I thought maybe the question of legislation or existing laws might even have come up for discussion in some of those Communist Party cell meetings.

Mrs. GREENBERG. Even I believed for a long time, always in fear of, you know, being persecuted, being persecuted terribly, and, you know, hounded and all kinds of things—I used to think of the FBI as a terrible bunch, almost like a Gestapo or the Russian secret police. Those were all the impressions we were indoctrinated with.

Mr. DOYLE. I have no further questions.

Mr. SCHERER. I have no further questions.

Mr. DOYLE. I want to thank you, however, on behalf of the committee for coming here and giving us the benefit of this testimony.

Mr. ARENS. May the testimony show, Mr. Chairman, that the witness is continued under subpoena?

Mr. DOYLE. The record will so show that. And the witness is fully aware now that you are under continued subpoena.

Mrs. GREENBERG. I wish to state that I would have spoken years ago, only I did cooperate with the FBI verbally, and they asked me to be quiet. But I would have said the same thing quite a long time ago, and I will continue to say it, so help me God.

Thank you very much.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mrs. Sarah Freestone.

Mr. SCHERER. Mr. Chairman, before we hear the next witness, I think the record should disclose that we have visiting us today Mr. Thomas Beale, who served as chief clerk of this committee for many years, now retired and living in Florida. We are happy to have him back. He is one of the men in this country who rendered a valuable contribution in the fight against subversive activities.

Mr. DOYLE. We are very glad to have you, Mr. Beale, and would like to have you sit right up here with the committee as long as you wish.

Mr. ARENS. Would you kindly stand while the chairman administers the oath to you.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. FREESTONE. I do.

TESTIMONY OF SARAH FREESTONE, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. FREESTONE. My name is Mrs. Sarah Freestone. I live at 2810 Mermaid Avenue, Brooklyn, N. Y. I work for the Western Union Telegraph Co.

Mr. ARENS. You are appearing today, Mrs. Freestone, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. FREESTONE. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. FREESTONE. Yes.

Mr. ARENS. Counsel, would you kindly identify yourself?

Mr. RABINOWITZ. Victor Rabinowitz.

Mr. ARENS. Mrs. Freestone, do you know the person who just left the witness chair a few minutes ago?

Mrs. FREESTONE. Yes.

Mr. ARENS. What is her name?

Mrs. FREESTONE. Connie—Concetta Greenberg.

Mr. ARENS. Mrs. Greenberg testified a few moments ago that when she was a member of the Communist Party, she served in closed Communist Party meetings with you and knew you as a Communist. We would like to give you an opportunity now before we proceed

further to comment on that and to affirm or deny it if you care to avail yourself of that opportunity.

(The witness confers with her counsel.)

Mr. RABINOWITZ. Is there a question pending?

Mr. ARENS. Do you care to avail yourself of the opportunity of affirming or denying that Mrs. Greenberg ever knew you as a Communist?

Mrs. FREESTONE. No.

Mr. ARENS. You do not care to avail yourself of that opportunity?

Mr. RABINOWITZ. That is what she said.

Mr. ARENS. Was Mrs. Greenberg mistaken when she said that you were a Communist?

(The witness confers with her counsel.)

Mrs. FREESTONE. I refuse to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Are you a Communist?

(The witness confers with her counsel.)

Mrs. FREESTONE. I refuse on the same grounds.

Mr. ARENS. What grounds?

Mrs. FREESTONE. Of the first and fifth amendments.

Mr. ARENS. On the fifth amendment, are you availing yourself of the privilege accorded to a person not to give information or testimony which could be used against him in a criminal proceeding?

(Witness confers with her counsel.)

Mrs. FREESTONE. Yes.

Mr. ARENS. Do you honestly feel if you told this committee whether or not Mrs. Greenberg was telling the truth in her testimony about you, that you would be supplying information which might be used against you in a criminal proceeding?

(The witness confers with her counsel.)

Mrs. FREESTONE. It might be used against me unjustly.

Mr. ARENS. Would it be unjustified if you were involved in a criminal proceeding as a Communist?

Mr. RABINOWITZ. Would counsel mind repeating that question? Would what?

Mr. ARENS. She said it might be used against her unjustly. I just want to make sure if it were used, it would be unjustified.

If you were an object of a criminal proceeding now, madam, because of alleged Communist affiliations, would it be unjustified?

Mr. RABINOWITZ. Would what be unjustified?

Mrs. FREESTONE. Would what be unjustified?

Mr. ARENS. The criminal proceeding.

(The witness confers with her counsel.)

Mrs. FREESTONE. I refuse to answer on the same grounds.

Mr. ARENS. Where are you employed?

Mrs. FREESTONE. 60 Hudson Street.

Mr. ARENS. What firm?

Mrs. FREESTONE. Western Union.

Mr. ARENS. In what capacity?

Mrs. FREESTONE. As a route clerk.

Mr. ARENS. How long have you been so engaged?

Mrs. FREESTONE. Well, I was a route aid, and then I became a route clerk, but I worked with the company about 29 years.

Mr. ARENS. During the course of your employment by the Western Union, have you had access to confidential or restricted information?
(The witness confers with her counsel.)

Mrs. FREESTONE. All messages are confidential.

Mr. ARENS. Do you presently have access to any Government confidential messages?

Mrs. FREESTONE. All messages—

Mr. ARENS. Would you kindly answer the question?

(The witness confers with her counsel.)

Mrs. FREESTONE. Well, I route business and I have all messages coming in.

Mr. ARENS. You know what I am asking, and I respectfully and kindly ask you to respond to the question. Do you presently in your work have access to messages of the United States Government which are confidential or restricted?

(The witness confers with her counsel.)

Mrs. FREESTONE. Yes.

Mr. ARENS. Do you belong to the American Communications Association?

Mrs. FREESTONE. I do.

Mr. ARENS. How long have you belonged to that organization?

Mrs. FREESTONE. Ever since it started.

Mr. ARENS. Have you ever held any posts or office in that organization?

Mrs. FREESTONE. No.

Mr. ARENS. Do you know the officers of that organization?

Mrs. FREESTONE. Yes.

Mr. ARENS. Have you ever served in closed Communist Party meetings with them?

(The witness confers with her counsel.)

Mrs. FREESTONE. I refuse to answer.

Mr. ARENS. Why?

Mrs. FREESTONE. On the grounds of the first and fifth amendments.

Mr. ARENS. Tell us the nature of your duties in your present job.

Mrs. FREESTONE. Well, I am a route clerk, and business comes down on a belt, and as they come down I pick it up and route it and direct it to the offices.

Mr. ARENS. What is the nature of the business that comes down on the belt?

Mrs. FREESTONE. All kinds of business.

Mr. ARENS. Is it a message?

Mrs. FREESTONE. A message.

Mr. ARENS. Do you see coded messages of the United States Government?

Mrs. FREESTONE. Well, I see messages, and I don't read them.

Mr. ARENS. Do you see coded messages of the United States Government?

Mrs. FREESTONE. Well, yes; I see coded messages.

Mr. ARENS. Do you see messages of the United States Government which are confidential or restricted respecting the atom-bomb tests?

Mrs. FREESTONE. I don't think.

Mr. ARENS. You do not recall that specific illustration?

Mrs. FREESTONE. No; I don't, sir.

Mr. ARENS. How long in the course of your work have you been engaged in a type of work in which you have had access to confidential or restricted Government messages?

Mrs. FREESTONE. Well, 29 years. Of course, as a route aid, I distributed the business, and, as a route clerk, I route the business to be distributed by route aid.

Mr. ARENS. This Committee on Un-American Activities is developing factual information with an end in view of such information as the facts may warrant in order to preclude from access to security or confidential information persons who are Communists or under Communist Party discipline. To that end we have asked you to come forward here to give us information. We would like to have you tell us if you know any persons who are Communists who now have access to confidential or Government security information.

(The witness confers with her counsel.)

Mrs. FREESTONE. I refuse to answer.

Mr. ARENS. Why?

Mrs. FREESTONE. On the grounds of the first and fifth amendments.

Mr. ARENS. When you say "the grounds of the fifth amendment," are you referring to that part of the fifth amendment which gives you the privilege of declining to give information which might be used against you in a criminal proceeding?

Mrs. FREESTONE. Yes.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. SCHERER. Mrs. Freestone, you were in the room and heard the testimony of Mrs. Greenberg, the witness who preceded you on the stand.

Mrs. FREESTONE. Was I in the room?

Mr. SCHERER. Yes.

Mrs. FREESTONE. Yes.

Mr. SCHERER. Did you hear her testimony?

Mrs. FREESTONE. Yes.

Mr. SCHERER. Was there anything that she said in her testimony concerning you that was untrue?

Mrs. FREESTONE. I refuse to answer.

Mr. SCHERER. For what reason?

Mrs. FREESTONE. On the first and fifth amendments.

Mr. SCHERER. Where were you born?

Mrs. FREESTONE. Where was I born?

(The witness confers with her counsel.)

Mrs. FREESTONE. London, England.

Mr. SCHERER. Are you a naturalized citizen?

Mrs. FREESTONE. My father's papers.

Mr. SCHERER. By derivation?

Mrs. FREESTONE. My father's papers.

Mr. SCHERER. About when was that?

Mrs. FREESTONE. About 1928. I am not sure.

Mr. SCHERER. You have been in the country since 1928?

Mrs. FREESTONE. Me?

Mr. SCHERER. Yes.

Mrs. FREESTONE. Well, I was before.

Mr. SCHERER. When did you come to the United States?

Mrs. FREESTONE. I came to the United States about 1913 or 1914. I am not sure.

Mr. SCHERER. Was your father an Englishman?

Mrs. FREESTONE. No.

Mr. SCHERER. You say you were born—

Mrs. FREESTONE. I was born in England.

Mr. SCHERER. What country was he from?

Mrs. FREESTONE. He was from Poland, I think. I don't know.

Mr. SCHERER. Poland? Was he just visiting in England at the time you were born?

Mrs. FREESTONE. No. He was on his way to America, and they stopped off in England. That is all.

Mr. DOYLE. May I inquire: Are you a Communist now?

(The witness confers with her counsel.)

Mrs. FREESTONE. I refuse to answer on the grounds of the first and fifth amendments.

Mr. DOYLE. Well, now, I make this remark which I frequently make: I do not understand how in the world persons claiming they are patriotic American citizens—since 1945, when Earl Browder was kicked out of the Communist Party leadership and it became perfectly clear what the issue was between our way of life and the Communist way of life—I don't understand why it is that a person like you, working for the very responsible firm that you have for 29 years, keep yourself in such a position with reference to the Communist Party that you can't honestly come in here and say you are not a Communist today.

Now I can understand how you might have been a Communist for ideological purposes some years ago.

Why don't you get yourself in the position where you can come to Congress and say, "No; I am not a Communist today"? Why don't you put yourself in that atmosphere?

Mr. SCHERER. Mr. Arens, may I ask you a question.

Is my understanding correct that the Western Union is not able to discharge these people who are handling confidential messages and who have been identified as Communists because of their contract with the union?

Mr. ARENS. I am not too certain as to the specifics of the contractual arrangement, although I have had them explained to me. It is my understanding that the problem that the companies have is that Communists deny Communist Party membership unless they are subjected to possible pains and penalties of perjury—and then, of course, they would invoke the provisions of the Constitution—but that Western Union is presently bound to negotiate with this Communist-controlled organization because it has been certified by the National Labor Relations Board as the bargaining agent. I understand and have been told, if they would not negotiate with the Communist-controlled American Communications Association, Western Union would be in jeopardy of a finding that it, the Western Union, would be guilty of an unfair labor practice.

Mr. SCHERER. Does Western Union today have to keep these people in positions with the company where they can handle these messages?

Mr. ARENS. As I understand it, those persons who have been identified before this committee as members of the Communist Party and

who have, in turn, invoked the provisions of the fifth amendment are not, at the behest of this committee, but are, at the instance of the Western Union, suspended.

The problem, as I gather, is that the Western Union, as well as these other companies, is presently obliged, first of all, to negotiate with the Communist-controlled union, and, secondly, they themselves cannot establish, because they do not have the facilities to do so, who are definitely Communists.

That is the problem as I understand it. I believe the persons from Western Union, who have already appeared and testified, might perhaps give us further light on that.

Mr. SCHERER. Is my understanding correct that if the Subversive Activities Control Board would find this particular union to be Communist-dominated, then Western Union would not have to bargain with them?

Mr. ARENS. Under the Communist Control Act of 1954, if the Subversive Activities Control Board, upon petition of the Attorney General, finds that the American Communications Association or any group of comparable composition is Communist-infiltrated, then the National Labor Relations Board is precluded from certifying a Communist-infiltrated organization as a bargaining agency. But that, of course, has not been done.

Mr. SCHERER. Now how has that provision of the law been affected by recent Supreme Court decisions, if you know?

Mr. ARENS. I do not know. I have not made a careful study of it.

Mr. SCHERER. I think we should determine whether or not we need any corrective legislation in view of 2 or 3 of these Supreme Court decisions, which might prohibit the Subversive Activities Control Board making a finding as you just indicated.

Mr. ARENS. I am sure that Congress recognizes why we have been in this particular series of hearings with reference to Communist penetration and potential sabotage of the available communications facilities servicing the communications centers of this Nation.

Mr. SCHERER. We must keep in mind one of the first witnesses who testified before this committee in this series of hearings—and I believe his name was Mignon—who was one of the leaders of the union of the Communications Workers of America, and was also at one time an active Communist. He testified that it was the object of the Communist Party to control the unions so that sabotage could be accomplished more easily if we should be at war with Russia. That points up the necessity of recommending legislation that might be needed to meet this situation.

Mr. DOYLE. May I inquire whether the witness, Mrs. Freestone, testified that she was a member of the union, the ACA union?

Mr. ARENS. This lady presently on the stand; yes; she testified that she is.

Mr. DOYLE. Is that the union that was expelled from the CIO?

Mr. ARENS. Yes, sir. The American Communications Association is the name of it.

Mr. DOYLE. That was 5 years ago.

Mr. ARENS. I think it was 7 years ago, 1950.

Mr. DOYLE. Seven years ago.

May I ask the witness this question:

Has your union, to your knowledge, made any effort to qualify again as a member of the CIO union in all these 7 years?

(The witness confers with her counsel.)

Mrs. FREESTONE. I don't know.

Mr. DOYLE. You do not know anything about it?

Mr. SCHERER. Madam, you do know that your union, though, was expelled from the CIO; do you not?

Mrs. FREESTONE. Pardon?

Mr. SCHERER. You know that the CIO expelled your union approximately 7 years ago, do you not?

Mrs. FREESTONE. Yes.

Mr. SCHERER. Do you know why?

(The witness confers with her counsel.)

Mrs. FREESTONE. The CIO said that they followed the Communist line.

Mr. SCHERER. They were expelled because the CIO alleged that your union followed the Communist Party line. Do you know if there was any basis for that allegation on the part of the CIO?

Mrs. FREESTONE. Not that I know of.

Mr. SCHERER. You say not that you know of. Were any of the members of the union at that time members of the Communist Party?

Mrs. FREESTONE. I refuse to answer.

Mr. SCHERER. Why?

Mrs. FREESTONE. On the grounds of the first and fifth amendments.

Mr. SCHERER. Is it a fact that practically all of the officers of the union at the time you were expelled from the CIO were members of the Communist Party?

(The witness confers with her counsel.)

Mr. SCHERER. Don't you know that, as a matter of fact?

Mrs. FREESTONE. I refuse to answer, on the same grounds.

Mr. SCHERER. How, then, can you say to me, in response to my question, that there was no basis for the CIO expelling your union because it was Communist dominated? How can you say there was no basis if you now refuse to deny that the members of the union were members of the Communist Party?

Mrs. FREESTONE. It was the CIO that said.

Mr. SCHERER. I understand that. You said there was no basis for the CIO expelling you on those grounds. Still you refuse to tell me now whether or not the leaders of your union at that time were members of the Communist Party.

Mr. RABINOWITZ. Is there a pending question?

Mr. DOYLE. May I inquire, madam? Since you have testified that you knew that the CIO had expelled the union of which you were then and now are a member on the CIO claim that they were Communist, that your union was Communist controlled—

Mr. RABINOWITZ. That wasn't what she said, sir.

Mr. DOYLE. What did she say?

Mr. RABINOWITZ. She said—

Mr. DOYLE. Let her answer.

Mr. RABINOWITZ. I thought you were asking me.

Mr. DOYLE. I meant to ask you, Witness.

Mr. SCHERER. That is what the witness said.

Mrs. FREESTONE. On the grounds that the CIO said they followed the Communist line.

Mr. RABINOWITZ. Not that they were Communist dominated.

Mrs. FREESTONE. Not that they were Communist dominated.

Mr. DOYLE. Just a minute, Counsel. Then you now testify that 7 years ago when they expelled your union, you were a member of that then.

Mrs. FREESTONE. Yes, sir.

Mr. DOYLE. And you learned then that the CIO said that your union was Communist dominated?

Mr. RABINOWITZ. No, sir; that isn't what she said. She said that it followed the Communist Party line.

Mrs. FREESTONE. Followed the Communist Party line.

Mr. SCHERER. Just a minute. Let's not split hairs. What is the difference?

Mr. RABINOWITZ. I will explain the difference, if you want me to.

Mr. SCHERER. You are in a position to explain the difference. I understand that, Counsel.

Mr. DOYLE. Let me rephrase it, then. I certainly do not intend to put words in your mouth. Then, as I understand it, madam, your testimony a few minutes ago was that you knew 7 years ago when your union was expelled from the CIO on the grounds that the CIO claimed your union, of which you were then a member, followed the Communist Party line. Now is that correct?

Mrs. FREESTONE. Yes.

Mr. DOYLE. All right. Now do you know of any change in the party line followed by your union since it was expelled from the CIO? Has it changed its line?

Mr. RABINOWITZ. Which? The union or the Communist Party?

Mr. DOYLE. The union. Your union, madam. Do you know of any change in your union's line, so far as the Communist Party is concerned in the 7 years?

(The witness confers with her counsel.)

Mrs. FREESTONE. I don't understand the questions.

Mr. DOYLE. You don't. You have been in the union all these 7 years. Let me see if this will help you. You were acquainted with your union policy 7 years ago; were you not?

Mrs. FREESTONE. That is right.

Mr. DOYLE. Now do you know of any major change in your union policy since the union was expelled from the CIO?

(The witness confers with her counsel.)

Mr. DOYLE. Is that a hard question to answer? I think it is very simple.

Mr. SCHERER. I imagine, Mr. Doyle, there were some major changes.

Mr. RABINOWITZ. Of course, there were.

Mr. SCHERER. Because the Communist Party line changed.

Mr. DOYLE. Just a minute, Counsel. Let your witness do the answering; not you. She testified she was familiar with the policy of the union 7 years ago, and the CIO kicked it out because they claimed it was following the Communist Party line. I am asking this witness, who has been in the union all these 7 years, and is still in it, whether or not her union has changed any major line or policy.

(The witness confers with counsel.)

Mrs. FREESTONE. Well, I know that the union's line has always been for better working conditions.

Mr. DOYLE. Yes; of course, that is the purpose of all patriotic American union organized labor. I will stipulate to that. Work for better working conditions for all of their members and for the workers of America.

Mrs. FREESTONE. And there hasn't been any change.

Mr. DOYLE. There hasn't been any change? Were any of the present officers of the union members, or were they officers, 7 years ago when your union was kicked out of the CIO?

Mrs. FREESTONE. I think most of them were.

Mr. DOYLE. Yes. And who are the officers of that union now? Your union.

Mrs. FREESTONE. Joseph Selly, Kehoe, Panza, Silberman, Siebenberg, Doumar, Weiners, Mollie Townsend. I think that is it.

Mr. DOYLE. Are you aware of any move made by your union officers in the 7 years since the CIO kicked it out on the claim that it was following the Communist Party line, to investigate whether or not it was following the Communist Party line when it was kicked out of the CIO?

Mrs. FREESTONE. I don't know.

Mr. DOYLE. You don't know. You do not know of any, at any rate.

Mrs. FREESTONE. No.

Mr. DOYLE. Has that question ever come up in any union meeting when you were present?

Mrs. FREESTONE. I don't remember.

Mr. DOYLE. You do not remember?

Mrs. FREESTONE. I don't remember.

Mr. DOYLE. You would have remembered it, wouldn't you?

Mrs. FREESTONE. I guess, but I don't remember it.

Mr. DOYLE. That is all.

Mr. SCHERER. Just one more question.

How well did you know Josephine Timms?

Mrs. FREESTONE. I wouldn't say too well.

Mr. SCHERER. You did know her?

Mrs. FREESTONE. Well, not too well.

Mr. SCHERER. Was she a member of the union?

Mrs. FREESTONE. Yes.

Mr. SCHERER. Did she work in the communications field also?

Mrs. FREESTONE. Yes.

Mr. SCHERER. What office did she hold in the union?

Mrs. FREESTONE. I don't remember.

Mr. SCHERER. Did you know her as a member of the Communist Party?

Mrs. FREESTONE. I refuse to answer on the grounds of the first and fifth amendments.

Mr. SCHERER. The fact is she was one of the leading Communists, both in the party and in the union, was she not?

Mrs. FREESTONE. I refuse on the same grounds.

Mr. DOYLE. May I just ask one question there?

You knew her as a steward in your union, didn't you? You knew her as a steward of your union?

Mrs. FREESTONE. I don't remember.

Mr. SCHERER. Mrs. Greenberg testified that she was a steward of the union.

Mr. DOYLE. May I ask if you knew Mrs. Greenberg as a steward in your union?

Mrs. FREESTONE. Yes.

Mr. DOYLE. And she was very active in the union, was she not?

Mrs. FREESTONE. Yes.

Mr. DOYLE. Now some of the union members had meetings, sort of caucuses, didn't they, outside of union meetings?

Mrs. FREESTONE. I don't know any.

Mr. DOYLE. You attended some meetings that were not union meetings with Mrs. Greenberg, did you not? Do you remember that, that you sat in meetings concerning your union with Mrs. Greenberg that were not union meetings?

Mrs. FREESTONE. I refuse to answer on the grounds of the first and fifth amendments.

Mr. DOYLE. I haven't asked you anything about them being Communist meetings.

Mrs. FREESTONE. I refuse to answer.

Mr. DOYLE. Yes, of course. In other words, you heard her testimony that you and she had been Communist Party cell mates in an effort to control the union. Didn't you hear her testify to that, madam?

Mrs. FREESTONE. I heard her.

Mr. DOYLE. Was that true or false?

Mrs. FREESTONE. I refuse to answer.

Mr. DOYLE. I want to renew my urge that you get out of the area from where you are not in a position to say to Congress, "No; I am not a Communist today."

Why do you not put yourself in the position where you can say that honestly?

I have no further questions of this witness.

Mr. SCHERER. I have no further questions.

Mr. DOYLE. The committee will stand in recess subject to the call of the chairman.

(Whereupon, at 3:25 p. m., Friday, August 9, 1957, the subcommittee was recessed subject to the call of the Chair.)

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¹ Sometimes referred to as the American Radio Telegraphers Association.

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